

February 6, 1969

HOUSE FILE 206

Judiciary - *Without recommend. 2-28*  
*Sen. " 4-2, Pass 4-17*

By PELTON, McCARTNEY,  
DOYLE, MILLER of Jones  
and DUNTON

Passed House, Date *3-28-69* Passed Senate, Date *5-7-69*

Vote: Ayes *69* Nays *38* Vote: Ayes *42* Nays *10*

*5-12-69*

Approved

*May 19, 1969*

*Motion to reconsider tabled 5-7*

## A BILL FOR

1 An Act relating to an appeal from a decision of a civil service  
2 commission.

3 *Be It Enacted by the General Assembly of the State of Iowa:*

4 Section 1. Section three hundred sixty-five point twenty-  
5 seven (365.27), Code 1966, is hereby amended by striking lines  
6 eighteen (18) through twenty-three (23), inclusive, and by  
7 inserting in lieu thereof the following:

8 "The city or any civil service employee shall have a right  
9 to appeal to the district court from the final ruling or deci-  
10 sion of the civil service commission. The appeal shall be  
11 taken within thirty days from the filing of the formal deci-  
12 sion of the commission. The district court of the county of  
13 the appellant's residence shall have full jurisdiction of the  
14 appeal and the said appeal shall be a trial de novo in the  
15 district court.

16 The appeal to the district court shall be perfected by fil-  
17 ing a notice of appeal with the clerk of the district court  
18 within the time herein prescribed and by serving notice thereof  
19 on any member or the secretary of the civil service commission,  
20 from whose ruling or decision the appeal is taken.

21 In the event the ruling or decision appealed from is  
22 reversed by the district court, the appellant, if it be an  
23 employee, shall then be reinstated as of the date of the said  
24 suspension, demotion, or discharge and shall be entitled to  
25 compensation from the date of such suspension, demotion, or

1 discharge."

EXPLANATION OF HOUSE FILE 206

The bill provides a method of appeal by which a city or a civil service employee may appeal from a decision of the civil service commission. The bill provides that an appeal can be perfected by filing a notice of appeal with the clerk of the district court, and allows the district court to take complete jurisdiction of the matter and try the case de novo.

The bill further provides that if the district court finds that the facts do not substantiate the action of the civil service commission, the employee shall be entitled to relief dating back to the original action by the commission.

- 1 Amend House File 206 as follows:
- 2 Insert in line fourteen (14), page 1,
- 3 after the word "de novo" the words "as an
- 4 equitable action".

Filed - *adopted 3-28*  
March 26, 1969

PELTON of Clinton

- 1 Amend House File 206 as follows:
- 2 1. By striking from lines 12 and 13 and the words } *adopted 5-7*
- 3 "of the appellant's residence" and inserting in lieu
- 4 thereof the words "in which the city is located".
- 5 2. By striking from lines 14 and 15 all after the } *lost 5-7*
- 6 word "appeal" and insert in lieu thereof a period.
- 7 3. By striking from line 19 the words "any member or". - *adopted 5-1*

Filed  
May 2, 1969

*House concurred 5-12*

*Smith*  
By NEU