

Sen. Cities 48, Pass per 3556 4/17

MAR 4 1975

HOUSE FILE 395

Place On Calendar

By COMMITTEE ON CITIES AND TOWNS

House File 395
Cities
Redmond, Chairman
Nolting
Schwengels

Passed House, Date 3-25-75 (728) Passed Senate, Date 5-19-75 (1456)

Vote: Ayes 74 Nays 21 Vote: Ayes 46 Nays 0

Approved 6-3-75

Motion to reconsider filed 3-25 (743) prevailed 2-31

Re Passed House 3-31-75 (787)

Passed House per Senate amend. 83-6

5-23-75 (1914)

A BILL FOR

1 An Act relating to the civil service systems of cities.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section four hundred point eight (400.8), Code
2 1975, is amended to read as follows:

3 400.8 ORIGINAL ENTRANCE EXAMINATION--APPOINTMENTS.

4 1. The commission shall, ~~during the month of April of~~
5 ~~each year, and~~ at such ~~other~~ times as shall be found necessary
6 under such rules, including minimum and maximum age limits,
7 as shall be prescribed and published in advance by the
8 commission and posted in the city hall, hold examinations
9 for the purpose of determining the qualifications of applicants
10 for positions under civil service, other than promotions,
11 which examinations shall be practical in character and shall
12 relate to such matters as will fairly test the mental and
13 physical ability of the applicant to discharge the duties
14 of the position to which he seeks appointment. Provided,
15 however, that such physical examination of applicants for
16 appointment to the positions of policeman, policewoman, police
17 matron or fireman shall be held under the direction of and
18 as specified by the boards of trustees of the fire or police
19 retirement systems established by section 411.5.

20 2. The commission shall establish the guidelines for
21 conducting the examinations under subsection one (1) of this
22 section. It may prepare and administer the examinations or
23 may hire persons with expertise to do so if the commission
24 approves the examinations. It may also hire persons with
25 expertise to consult in the preparation of such examinations
26 if the persons so hired are employed to aid personnel of the
27 commission in assuring that a fair examination is conducted.
28 A fair examination shall explore the competence of the
29 applicant in the particular field of examination.

30 3. All appointments to such positions shall be conditional
31 upon a probation period of not to exceed six months, and in
32 the case of police patrolmen ~~in cities operating a police~~
33 ~~academy,~~ and firemen a probation period not to exceed twelve
34 months, during which time the appointee may be removed or
35 discharged from such position by the appointing person or

1 body without the right of appeal to the commission. A person
2 removed or discharged during a probationary period shall,
3 at the time of discharge, be given a notice in writing stating
4 the reason or reasons for the dismissal. A copy of such
5 notice shall be promptly filed with the commission. Continuance
6 in the position after the expiration of such probationary
7 period shall constitute a permanent appointment.

8 Sec. 2. Section four hundred point nine (400.9), Code
9 1975, is amended to read as follows:

10 400.9 PROMOTIONAL EXAMINATIONS--PROMOTIONS.

11 1. The commission shall, ~~during the month of April of~~
12 ~~each second year, and~~ at such other times as shall be found
13 necessary, under such rules as shall be prescribed and
14 published in advance by the commission, and posted in the
15 city hall, hold competitive promotional examinations for the
16 purpose of determining the qualifications of applicants for
17 promotion to a higher grade under civil service, which
18 examinations shall be practical in character, and shall relate
19 to such matters as will fairly test the ability of the
20 applicant to discharge the duties of the position to which
21 he seeks promotion.

22 2. The commission shall establish guidelines for conducting
23 the examinations under subsection one (1) of this section.
24 It may prepare and administer the examinations or may hire
25 persons with expertise to do so if the commission approves
26 the examinations and if the examinations apply to the position
27 in the city for which the applicant is taking the examination.
28 It may also hire persons with expertise to consult in the
29 preparation of such examinations if the persons so hired are
30 employed to aid personnel of the commission in assuring that
31 a fair examination is conducted. A fair examination shall
32 explore the competence of the applicant in the particular
33 field of examination.

34 3. Hereafter, all vacancies in the civil service grades
35 above the lowest in each shall be filled by promotion of

1 subordinates when such subordinates qualify as eligible, and
2 when so promoted, they shall hold such position with full
3 civil service rights therein. ~~If, however, no current employee~~
4 ~~passes a promotional examination and otherwise qualifies for~~
5 ~~the position, an entrance examination for such position may~~
6 ~~be used to fill such vacancy within one year after such~~
7 ~~promotional examination.~~

8 Sec. 3. Section four hundred point eleven (400.11),
9 unnumbered paragraph three (3), Code 1975, is amended to read
10 as follows:

11 Except where such preferred list exists, persons on the
12 certified eligible list for promotion shall hold preference
13 for promotion ~~until the beginning of a new examination, but~~
14 ~~in no case shall such preference continue longer than~~ two
15 years following the date of certification, after which said
16 lists shall be canceled and no promotion to such grades shall
17 be made until a new list has been certified eligible for
18 promotion.

19 Sec. 4. Section four hundred point seventeen (400.17),
20 subsections one (1) through six (6) inclusive, Code 1975,
21 are amended by striking the subsections and inserting in lieu
22 thereof the following:

- 23 1. Is of good moral character.
- 24 2. Is able to read and write the English language.
- 25 3. Is not a liquor or drug addict.

26 Sec. 5. Section four hundred seventeen (400.17), Code
27 1975, is amended by adding the following new paragraph:

28 NEW PARAGRAPH. A person shall not be appointed, promoted,
29 discharged, or demoted to or from a civil service position
30 or in any other way favored or discriminated against in that
31 position because of political or religious opinions or
32 affiliations, race, national origin, sex, or age.

33 Sec. 6. Section four hundred point twenty-nine (400.29),
34 Code 1975, is amended by striking the section and inserting
35 in lieu thereof the following:

1 400.29 CAMPAIGN CONTRIBUTIONS.

2 1. A person holding a civil service position shall not,
3 while performing official duties or while using city equipment
4 at the person's disposal by reason of the position, solicit
5 in any manner contribution for any political party or candidate
6 or engage in any political activity during working hours that
7 impairs the efficiency of the position or presence during
8 the working hours. A person shall not seek or attempt to
9 use any political endorsement in connection with any
10 appointment to a civil service position.

11 2. A person holding a civil service position shall not,
12 by the authority of the position, secure or attempt to secure
13 in any manner for any other person an appointment or advantage
14 in appointment to a civil service position or an increase
15 in pay or other advantage of employment in any such position
16 for the purpose of influencing the vote or political action
17 of that person or for any other consideration.

18 3. An employee who becomes a candidate for any elective
19 public office shall, upon request and commencing any time
20 within thirty days prior to a primary, special, or general
21 election and continuing until after this thirty day period,
22 automatically be given a leave of absence without pay. An
23 employee who is a candidate for any elective public office
24 shall not campaign while on duty as an employee.

25 4. This section shall not be construed to prohibit any
26 employee or group of employees, individually or collectively,
27 from expressing honest opinions and convictions, or making
28 statements and comments concerning their wages or other
29 conditions of their employment.

30 EXPLANATION

31 This bill affects the civil service systems of
32 municipalities by making the following changes:

33 1. It allows for the conducting of year-round civil service
34 appointment and promotional examinations. Present Code
35 provisions allow only one appointment examination per year

1 and one promotion examination every two years.

2 2. It permits persons other than the actual civil service
3 commission members to prepare and conduct examinations if
4 authorized to do so by the commission. Present Code provisions
5 require that commission members personally prepare and conduct
6 all examinations.

7 3. It eliminates certain disabilities of employment listed
8 in present section 400.17.

9 4. It changes the sanctions with regard to a city employee
10 running for a public elective office and grants such employee
11 an automatic leave of absence without pay thirty days or less
12 prior to the election.

13 5. It extends the probationary period for policeman and
14 fireman from 6 months to 12 months.

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H-3323

1 Amend House File 395 pages 3 and 4, by striking
2 all of section 6.

H-3323 FILED - *Lost 3/25 (127)*
MARCH 24, 1975

BY SCHROEDER of Pottawattamie

H-3326

1 Amend House File 395 as follows:

2 1. Page 4, line 18, by striking the word "An"
3 and inserting in lieu thereof the words "A civil
4 service".

5 2. Page 4, line 19, by inserting after the
6 word "request" the words "of the employee".

H-3326 FILED, ADOPTED *(127)*
BY UNANIMOUS CONSENT
MARCH 25, 1975

BY JUNKER of Woodbury

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LSB 599A
ms/rh/31

Senate Amendment to House File 395

H-3915

1 Amend House File 395, as amended and passed by
2 the House, as follows:
3 Page 3, by striking everything in lines 3 through
4 7, inclusive, and inserting in lieu thereof the
5 following:
6 "civil service rights ~~therein~~ in the position.
7 If, however, ~~no a~~ a current employee ~~passes-a~~ does not
8 pass one of two successive promotional examination
9 examinations and otherwise qualifies qualify for the
10 vacated position, an entrance examination for such
11 the vacated position may be used to fill such-vacancy
12 within-one-year-after-such-promotional-examination
13 it.

H-3915 FILED, RECEIVED FROM THE SENATE
MAY 21, 1975

House concurred 5/23 (1975)

H-3359

1 Amend House File 395 as follows:
2 1. Page 4, by inserting after line 17 the
3 following new subsection:
4 "3. A person who in any manner supervises a
5 person holding a civil service position shall not
6 directly or indirectly solicit the person supervised
7 to contribute money, anything of value, or service
8 to a candidate seeking election, or a political party
9 or candidate's political committee."
10 2. By renumbering the remaining subsections.

H-3359 FILED, ADOPTED (787)
MARCH 31, 1975

BY DRAKE of Muscatine
CONNORS of Polk
EGENES of Story

S-3821

1 Amend House File 395, as amended and passed by
2 the House, as follows:
3 Page 3, by striking everything in lines 3 through
4 7, inclusive, and inserting in lieu thereof the
5 following:
6 "civil service rights ~~therein~~ in the position.
7 If, however, ~~no a~~ a current employee ~~passes-a~~ does not
8 pass one of two successive promotional examination
9 examinations and otherwise qualifies qualify for the
10 vacated position, an entrance examination for such
11 the vacated position may be used to fill such-vacancy
12 within-one-year-after-such-promotional-examination
13 it."

S-3821 FILED - *adopted 5/19 (1455)*
MAY 14, 1975

BY EARL M. WILLITS
LEONARD C. ANDERSEN

S-3549

1 Amend House File 395, as amended and passed by
2 the House, as follows:
3 1. Page 2, by striking everything in lines 1
4 through 5, inclusive, and inserting in lieu thereof
5 the words "body without the right of appeal to the
6 commission."
7 2. Page 3, by striking everything in lines 3
8 through 7, inclusive, and inserting in lieu thereof
9 the words "civil service rights therein. If, how-
10 ever, no current employee passes a promotional
11 examination and otherwise qualifies for the position,
12 an entrance examination for such position may be
13 used to fill such vacancy within one year after
14 such promotional examination."
15 3. Page 3, line 14, by inserting before the word
16 "two" the words "until everyone on the list has been
17 promoted or has declined promotion. When everyone on
18 the list has been promoted or has declined promotion,
19 a new examination may be called. However, such
20 preference shall not continue for longer than".

S-3549 FILED *Withdrawn 5/19 (1455)* BY LEONARD C. ANDERSEN
APRIL 17, 1975

S-3556

1 Amend House File 395 as amended and passed
2 by the House, page 2, line 5, by inserting after
3 the period the following:
4 "The commission shall consider the notice and
5 may in the next regular scheduled meeting grant
6 the person the appeal rights provided in this chapter."

S-3556 FILED - *Lost 5/19 (1455)* BY EARL M. WILLITS, CHAIRMAN
APRIL 17, 1975 CITIES COMMITTEE

S-3840

1 Amend House File 395, page 3, by inserting
2 after line 25 the following:
3 "4. Has not borne arms against the United
4 States government."

S-3840 FILED & LOST (1456) BY RAY TAYLOR
MAY 19, 1975

HOUSE FILE 395

AN ACT

RELATING TO THE CIVIL SERVICE SYSTEMS OF CITIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section four hundred point eight (400.8), Code 1975, is amended to read as follows:

400.8 ORIGINAL ENTRANCE EXAMINATION--APPOINTMENTS.

1. The commission shall, ~~during the month of April of each year, and~~ at such ~~other~~ times as shall be found necessary under such rules, including minimum and maximum age limits, as shall be prescribed and published in advance by the commission and posted in the city hall, hold examinations for the purpose of determining the qualifications of applicants for positions under civil service, other than promotions, which examinations shall be practical in character and shall relate to such matters as will fairly test the mental and physical ability of the applicant to discharge the duties of the position to which he seeks appointment. Provided, however, that such physical examination of applicants for appointment to the positions of policeman, policewoman, police matron or fireman shall be held under the direction of and as specified by the boards of trustees of the fire or police retirement systems established by section 411.5.

2. The commission shall establish the guidelines for conducting the examinations under subsection one (1) of this section. It may prepare and administer the examinations or may hire persons with expertise to do so if the commission approves the examinations. It may also hire persons with expertise to consult in the preparation of such examinations if the persons so hired are employed to aid personnel of the commission in assuring that a fair examination is conducted. A fair examination shall explore the competence of the applicant in the particular field of examination.

3. All appointments to such positions shall be conditional upon a probation period of not to exceed six months, and in the case of police patrolmen ~~in cities operating a police academy, and firemen~~ a probation period not to exceed twelve months, during which time the appointee may be removed or discharged from such position by the appointing person or body without the right of appeal to the commission. A person removed or discharged during a probationary period shall, at the time of discharge, be given a notice in writing stating the reason or reasons for the dismissal. A copy of such notice shall be promptly filed with the commission. Continuance in the position after the expiration of such probationary period shall constitute a permanent appointment.

Sec. 2. Section four hundred point nine (400.9), Code 1975, is amended to read as follows:

400.9 PROMOTIONAL EXAMINATIONS--PROMOTIONS.

1. The commission shall, ~~during the month of April of each second year, and~~ at such ~~other~~ times as shall be found necessary, under such rules as shall be prescribed and published in advance by the commission, and posted in the city hall, hold competitive promotional examinations for the purpose of determining the qualifications of applicants for promotion to a higher grade under civil service, which examinations shall be practical in character, and shall relate to such matters as will fairly test the ability of the applicant to discharge the duties of the position to which he seeks promotion.

2. The commission shall establish guidelines for conducting the examinations under subsection one (1) of this section. It may prepare and administer the examinations or may hire persons with expertise to do so if the commission approves the examinations and if the examinations apply to the position in the city for which the applicant is taking the examination. It may also hire persons with expertise to consult in the preparation of such examinations if the persons so hired are

employed to aid personnel of the commission in assuring that a fair examination is conducted. A fair examination shall explore the competence of the applicant in the particular field of examination.

3. Hereafter, all vacancies in the civil service grades above the lowest in each shall be filled by promotion of subordinates when such subordinates qualify as eligible, and when so promoted, they shall hold such position with full civil service rights ~~therein in the position~~. If, however, ~~no~~ a current employee passes-a does not pass one of two successive promotional ~~examination~~ examinations and otherwise ~~qualifies~~ qualify for the vacated position, an entrance examination for ~~such~~ the vacated position may be used to fill ~~such-vacancy-within-one-year-after-such-promotional-examination~~ it.

Sec. 3. Section four hundred point eleven (400.11), unnumbered paragraph three (3), Code 1975, is amended to read as follows:

Except where such preferred list exists, persons on the certified eligible list for promotion shall hold preference for promotion ~~until-the-beginning-of-a-new-examination, but in-no-case-shall-such-preference-continue-longer-than~~ two years following the date of certification, after which said lists shall be canceled and no promotion to such grades shall be made until a new list has been certified eligible for promotion.

Sec. 4. Section four hundred point seventeen (400.17), subsections one (1) through six (6) inclusive, Code 1975, are amended by striking the subsections and inserting in lieu thereof the following:

1. Is of good moral character.
2. Is able to read and write the English language.
3. Is not a liquor or drug addict.

Sec. 5. Section four hundred point seventeen (400.17), Code 1975, is amended by adding the following new paragraph:

NEW PARAGRAPH. A person shall not be appointed, promoted, discharged, or demoted to or from a civil service position or in any other way favored or discriminated against in that position because of political or religious opinions or affiliations, race, national origin, sex, or age.

Sec. 6. Section four hundred point twenty-nine (400.29), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

400.29 CAMPAIGN CONTRIBUTIONS.

1. A person holding a civil service position shall not, while performing official duties or while using city equipment at the person's disposal by reason of the position, solicit in any manner contribution for any political party or candidate or engage in any political activity during working hours that impairs the efficiency of the position or presence during the working hours. A person shall not seek or attempt to use any political endorsement in connection with any appointment to a civil service position.

2. A person holding a civil service position shall not, by the authority of the position, secure or attempt to secure in any manner for any other person an appointment or advantage in appointment to a civil service position or an increase in pay or other advantage of employment in any such position for the purpose of influencing the vote or political action of that person or for any other consideration.

3. A person who in any manner supervises a person holding a civil service position shall not directly or indirectly solicit the person supervised to contribute money, anything of value, or service to a candidate seeking election, or a political party or candidate's political committee.

4. A civil service employee who becomes a candidate for any elective public office shall, upon request of the employee and commencing any time within thirty days prior to a primary, special, or general election and continuing until after this thirty day period, automatically be given a leave of absence

without pay. An employee who is a candidate for any elective public office shall not campaign while on duty as an employee.

5. This section shall not be construed to prohibit any employee or group of employees, individually or collectively, from expressing honest opinions and convictions, or making statements and comments concerning their wages or other conditions of their employment.

DALE M. COCHRAN
Speaker of the House

ARTHUR A. NEU
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 395, Sixty-sixth General Assembly.

DAVID L. WRAY
Chief Clerk of the House

Approved 6/3, 1975

ROBERT D. RAY
Governor