

reprinted

MAR 10 1989

HOUSE FILE 573

BY COMMITTEE ON LOCAL GOVERNMENT

Place On Calendar

(SUCCESSOR TO HSB 290)

Passed House, Date 4-4-89 (p.1217) Passed Senate, Date 4-11-89 (p.1337)
Vote: Ayes 94 Nays 0 Vote: Ayes 48 Nays 1
Approved May 22, 1989

A BILL FOR

1 An Act relating to civil service medical examinations and
2 providing an effective date.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 573

H-3779

- 1 Amend House File 573 as follows:
 - 2 1. Page 1, line 19, by striking the word "only".
- By EDDIE of Buena Vista

H-3779 FILED APRIL 3, 1989

adopted 4-4-89 (p.1217)

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

1 Section 1. Section 400.8, subsection 1, Code 1989, is
2 amended to read as follows:

3 1. The commission ~~shall-at-such-times-as-shall-be-found,~~
4 when necessary under ~~such~~ the rules, including minimum and
5 maximum age limits, as which shall be prescribed and published
6 in advance by the commission and posted in the city hall,
7 shall hold examinations for the purpose of determining the
8 qualifications of applicants for positions under civil
9 service, other than promotions, which examinations shall be
10 practical in character and shall relate to ~~such~~ matters as
11 which will fairly test the mental and physical ability of the
12 applicant to discharge the duties of the position to which the
13 applicant seeks appointment. ~~Provided, however, that such~~
14 However, the physical examination of applicants for
15 appointment to the positions of police officer, police matron
16 or fire fighter shall be held under the direction of and as
17 specified by the boards of trustees of the fire or police
18 retirement systems established by section 411.5 and the
3779- 19 commission may only conduct a medical examination of an
20 applicant after a conditional offer of employment has been
21 made to the applicant. An applicant shall not be
22 discriminated against on the basis of height, weight, sex, or
23 race in determining physical or mental ability of the
24 applicant. Reasonable rules relating to strength, agility,
25 and general health of applicants shall be prescribed. The
26 costs of the physical examination required under this
27 subsection shall be paid from the trust and agency fund of the
28 city.

29 Sec. 2. Section 400.11, unnumbered paragraph 1, Code 1989,
30 is amended to read as follows:

31 The commission ~~shall,~~ within ninety days after the
32 beginning of each competitive examination for original
33 appointment or for promotion, shall certify to the city
34 council a list of the names of the ten persons who qualify
35 with the highest standing as a result of each examination for

1 the position they seek to fill, or ~~such the~~ number ~~as may~~
2 which have qualified if less than ten, in the order of their
3 standing, and all newly created offices or other vacancies in
4 positions under civil service which ~~shall~~ occur before the
5 beginning of the next examination for ~~such the~~ positions shall
6 be filled from ~~said the~~ lists, or from the preferred list
7 existing as provided for in case of diminution of employees,
8 within thirty days. If a tie occurs in the examination scores
9 which would qualify persons for the tenth position on the
10 list, the list of the names of the persons who qualify with
11 the highest standing as a result of each examination shall
12 include all persons who qualify for the tenth position.
13 Preference for temporary service in civil service positions
14 shall be given those on ~~such the~~ lists. However, the
15 commission may certify a list of names eligible for
16 appointment subject to successfully completing a medical
17 examination. The medical examination shall be provided
18 pursuant to commission rules adopted under section 400.2.

19 Sec. 3. Section 400.17, unnumbered paragraph 1, Code 1989,
20 is amended to read as follows:

21 Except as otherwise provided, ~~no~~ a person shall not be
22 appointed or employed in any capacity in the fire or police
23 department, or any department which is governed by the civil
24 service, until ~~such the~~ person ~~shall have~~ has passed a civil
25 service examination as provided in this chapter, and has been
26 certified to the city council as being eligible for ~~such the~~
27 ~~appointment; provided, however, that in cases of.~~ However, in
28 an emergency, in which the peace and order of the city is
29 threatened by reason of fire, flood, storm, or mob violence,
30 making additional protection of life and property necessary,
31 ~~in which case~~ the person having the appointing power may
32 deputize additional persons, without examination, to act as
33 peace officers until ~~such the~~ emergency ~~shall have~~ has passed.
34 A person may be appointed to a position subject to
35 successfully completing a civil service medical examination.

1 ~~in no case shall any~~ A person shall not be appointed or
2 employed in any capacity in the fire or police department, or
3 any department which is governed by civil service, unless ~~such~~
4 the person:

5 Sec. 4. This Act, being deemed of immediate importance,
6 takes effect upon enactment.

7 EXPLANATION

8 This bill provides that city civil service commissions may
9 certify lists of names eligible for appointment subject to
10 successfully completing a medical examination. This bill
11 brings the city civil service law in compliance with the Civil
12 Rights Restoration Act of 1987 and federal regulations (29
13 C.F.R Part 41) which prohibit the recipient of federal funds
14 from conducting preemployment medical examinations unless a
15 conditional offer of employment is made.

16 The bill takes effect upon enactment.

17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

HOUSE FILE 573
FISCAL NOTE

A fiscal note for **HOUSE FILE 573** is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 573 amends Sections 400.8 and 400.11, Code of Iowa, making employment conditional upon passing a medical examination after the offer of employment. Section 400.17 is amended to allow a person to be appointed subject to passing a civil service medical examination.

Assumptions:

Currently a city can conduct medical examinations prior to offering employment. The cities can eliminate candidates who are considered high risk for developing a heart or lung ailment or other disease for which the city would have to pay disability. Under this bill, the cities would offer employment before the medical examination and thus would no longer eliminate those persons with higher risk of disease-related disability.

Fiscal Impact:

No information is available as to how many persons are eliminated because of they are judged to be high risks for disability, so no impact estimate can be made. The average amount a city expects to pay for each disability is \$200,000. This is paid over the lifetime of the disabled person with the disabled person receiving between \$14,400 and \$18,000 per year.

Source: League of Iowa Municipalities

(LSB 2412hv, MDF)

FILED APRIL 6, 1989

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE AMENDMENT TO HOUSE FILE 573

H-4005

1 Amend House File 573, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 341A.5, unnumbered paragraph
6 1, Code 1989, is amended to read as follows:

7 The commission shall hold an organizational meeting
8 immediately after its establishment and shall elect
9 one of its members as chairperson. The commission
10 shall hold regular meetings at least once every-three
11 months annually, and may hold ~~such~~ additional meetings
12 as may be required in the fulfillment of its
13 responsibilities. All commission meetings shall be
14 public meetings."

15 2. Title page, by striking line 1 and inserting
16 the following: "An Act relating to city and county
17 civil service, by providing for meetings of civil
18 service commissions, by providing for civil service
19 medical examinations, and by".

20 3. By renumbering sections.

RECEIVED FROM THE SENATE

H-4005 FILED APRIL 13, 1989

House Concurrent 4-27-89 (p. 2080)

Sen. Local Govt.
DO pass 4-6-89 (p1242)

HOUSE FILE 573
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO HSB 290)

(As Amended and Passed by the House April 4, 1989)

Repassed House, Date 4-27-89 (p1208) Passed Senate, Date 4-11-89 (p1337)
Vote: Ayes 92 Nays 0 Vote: Ayes 48 Nays 1
Approved May 22, 1989

A BILL FOR

405, 3622-1 An Act relating to civil service medical examinations and
2 providing an effective date.

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

Deleted Language *

HOUSE FILE 573

S-3622

7 1 Amend House File 573, as amended, passed, and
8 2 reprinted by the House, as follows:
9 3 1. Page 1, by inserting before line 1 the
10 4 following:
11 5 "Section 1. Section 341A.5, unnumbered paragraph
12 6 1, Code 1989, is amended to read as follows:
13 7 The commission shall hold an organizational meeting
14 8 immediately after its establishment and shall elect
15 9 one of its members as chairperson. The commission
16 10 shall hold regular meetings at least once ~~every-three~~
17 11 ~~months~~ annually, and may hold such additional meetings
18 12 as may be required in the fulfillment of its
19 13 responsibilities. All commission meetings shall be
20 14 public meetings."
21 15 2. Title page, by striking line 1 and inserting
16 the following: "An Act relating to city and county
17 civil service, by providing for meetings of civil
18 service commissions, by providing for civil service
19 medical examinations, and by".
20 3. By renumbering sections.

By RICHARD VANDE HOEF

S-3622 FILED APRIL 11, 1989
ADOPTED 4-11-89 (p1336)

4005-
2022-

1 Section 1. Section 400.8, subsection 1, Code 1989, is
2 amended to read as follows:

3 1. The commission ~~shall-at-such-times-as-shall-be-found,~~
4 when necessary under such the rules, including minimum and
5 maximum age limits, as which shall be prescribed and published
6 in advance by the commission and posted in the city hall,
7 shall hold examinations for the purpose of determining the
8 qualifications of applicants for positions under civil
9 service, other than promotions, which examinations shall be
10 practical in character and shall relate to such matters as
11 which will fairly test the mental and physical ability of the
12 applicant to discharge the duties of the position to which the
13 applicant seeks appointment. ~~Provided, however, that such~~
14 However, the physical examination of applicants for
15 appointment to the positions of police officer, police matron
16 or fire fighter shall be held under the direction of and as
17 specified by the boards of trustees of the fire or police
18 retirement systems established by section 411.5 and the
*19 commission may conduct a medical examination of an applicant
20 after a conditional offer of employment has been made to the
21 applicant. An applicant shall not be discriminated against on
22 the basis of height, weight, sex, or race in determining
23 physical or mental ability of the applicant. Reasonable rules
24 relating to strength, agility, and general health of
25 applicants shall be prescribed. The costs of the physical
26 examination required under this subsection shall be paid from
27 the trust and agency fund of the city.

28 Sec. 2. Section 400.11, unnumbered paragraph 1, Code 1989,
29 is amended to read as follows:

30 The commission ~~shall~~, within ninety days after the
31 beginning of each competitive examination for original
32 appointment or for promotion, shall certify to the city
33 council a list of the names of the ten persons who qualify
34 with the highest standing as a result of each examination for
35 the position they seek to fill, or such the number ~~as may~~

1 which have qualified if less than ten, in the order of their
2 standing, and all newly created offices or other vacancies in
3 positions under civil service which ~~shall~~ occur before the
4 beginning of the next examination for ~~such~~ the positions shall
5 be filled from ~~said~~ the lists, or from the preferred list
6 existing as provided for in case of diminution of employees,
7 within thirty days. If a tie occurs in the examination scores
8 which would qualify persons for the tenth position on the
9 list, the list of the names of the persons who qualify with
10 the highest standing as a result of each examination shall
11 include all persons who qualify for the tenth position.
12 Preference for temporary service in civil service positions
13 shall be given those on ~~such~~ the lists. However, the
14 commission may certify a list of names eligible for
15 appointment subject to successfully completing a medical
16 examination. The medical examination shall be provided
17 pursuant to commission rules adopted under section 400.8.

18 Sec. 3. Section 400.17, unnumbered paragraph 1, Code 1989,
19 is amended to read as follows:

20 Except as otherwise provided, no a person shall not be
21 appointed or employed in any capacity in the fire or police
22 department, or any department which is governed by the civil
23 service, until ~~such~~ the person ~~shall-have~~ has passed a civil
24 service examination as provided in this chapter, and has been
25 certified to the city council as being eligible for ~~such~~ the
26 ~~appointment; provided, however, that in cases of.~~ However, in
27 an emergency, in which the peace and order of the city is
28 threatened by reason of fire, flood, storm, or mob violence,
29 making additional protection of life and property necessary,
30 ~~in which case~~ the person having the appointing power may
31 deputize additional persons, without examination, to act as
32 peace officers until ~~such~~ the emergency ~~shall-have~~ has passed.
33 A person may be appointed to a position subject to
34 successfully completing a civil service medical examination.
35 ~~In no case shall any~~ A person shall not be appointed or

1 employed in any capacity in the fire or police department, or
2 any department which is governed by civil service, unless such
3 the person:

4 Sec. 4. This Act, being deemed of immediate importance,
5 takes effect upon enactment.

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

HSB 290

LOCAL GOVERNMENT

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL)

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to civil service medical examinations and
2 providing an effective date.

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

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24

TL5B 2412HC 73

tj/jw/5

1 Section 1. Section 400.8, subsection 1, Code 1989, is
2 amended to read as follows:

3 1. The commission ~~shall-at-such-times-as-shall-be-found,~~
4 when necessary under such the rules, including minimum and
5 maximum age limits, as which shall be prescribed and published
6 in advance by the commission and posted in the city hall,
7 shall hold examinations for the purpose of determining the
8 qualifications of applicants for positions under civil
9 service, other than promotions, which examinations shall be
10 practical in character and shall relate to such matters as
11 which will fairly test the mental and physical ability of the
12 applicant to discharge the duties of the position to which the
13 applicant seeks appointment. ~~Provided, however, that such~~
14 However, the physical examination of applicants for
15 appointment to the positions of police officer, police matron
16 or fire fighter shall be held under the direction of and as
17 specified by the boards of trustees of the fire or police
18 retirement systems established by section 411.5 and the
19 commission may only conduct a medical examination of an
20 applicant after a conditional offer of employment has been
21 made to the applicant. An applicant shall not be
22 discriminated against on the basis of height, weight, sex, or
23 race in determining physical or mental ability of the
24 applicant. Reasonable rules relating to strength, agility,
25 and general health of applicants shall be prescribed. The
26 costs of the physical examination required under this
27 subsection shall be paid from the trust and agency fund of the
28 city.

29 Sec. 2. Section 400.11, unnumbered paragraph 1, Code 1989,
30 is amended to read as follows:

31 The commission ~~shall~~, within ninety days after the
32 beginning of each competitive examination for original
33 appointment or for promotion, shall certify to the city
34 council a list of the names of the ten persons who qualify
35 with the highest standing as a result of each examination for

1 the position they seek to fill, or such the number as may
2 which have qualified if less than ten, in the order of their
3 standing, and all newly created offices or other vacancies in
4 positions under civil service which ~~shall~~ occur before the
5 beginning of the next examination for such the positions shall
6 be filled from ~~said~~ the lists, or from the preferred list
7 existing as provided for in case of diminution of employees,
8 within thirty days. If a tie occurs in the examination scores
9 which would qualify persons for the tenth position on the
10 list, the list of the names of the persons who qualify with
11 the highest standing as a result of each examination shall
12 include all persons who qualify for the tenth position.
13 Preference for temporary service in civil service positions
14 shall be given those on such the lists. However, the
15 commission may certify a list of names eligible for
16 appointment subject to successfully completing a medical
17 examination. The medical examination shall be provided
18 pursuant to commission rules adopted under section 400.8.

19 Sec. 3. Section 400.17, unnumbered paragraph 1, Code 1989,
20 is amended to read as follows:

21 Except as otherwise provided, no a person shall not be
22 appointed or employed in any capacity in the fire or police
23 department, or any department which is governed by the civil
24 service, until such the person ~~shall have~~ has passed a civil
25 service examination as provided in this chapter, and has been
26 certified to the city council as being eligible for such the
27 ~~appointment, provided, however, that in cases of.~~ However, in
28 an emergency, in which the peace and order of the city is
29 threatened by reason of fire, flood, storm, or mob violence,
30 making additional protection of life and property necessary,
31 ~~in which case~~ the person having the appointing power may
32 deputize additional persons, without examination, to act as
33 peace officers until such the emergency ~~shall have~~ has passed.
34 A person may be appointed to a position subject to
35 successfully completing a civil service medical examination.

1 ~~In-no-case-shall-any~~ A person shall not be appointed or
2 employed in any capacity in the fire or police department, or
3 any department which is governed by civil service, unless such
4 the person:

5 Sec. 4. This Act, being deemed of immediate importance,
6 takes effect upon enactment.

7 EXPLANATION

8 This bill provides that city civil service commissions may
9 certify lists of names eligible for appointment subject to
10 successfully completing a medical examination. This bill
11 brings the city civil service law in compliance with the Civil
12 Rights Restoration Act of 1987 and federal regulations (29
13 C.F.R Part 41) which prohibit the recipient of federal funds
14 from conducting preemployment medical examinations unless a
15 conditional offer of employment is made.

16 The bill takes effect upon enactment.

17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

HOUSE FILE 573

AN ACT

RELATING TO CITY AND COUNTY CIVIL SERVICE, BY PROVIDING FOR MEETINGS OF CIVIL SERVICE COMMISSIONS, BY PROVIDING FOR CIVIL SERVICE MEDICAL EXAMINATIONS, AND BY PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 341A.5, unnumbered paragraph 1, Code 1989, is amended to read as follows:

The commission shall hold an organizational meeting immediately after its establishment and shall elect one of its members as chairperson. The commission shall hold regular meetings at least once every-three-months annually, and may hold such additional meetings as may be required in the fulfillment of its responsibilities. All commission meetings shall be public meetings.

Sec. 2. Section 400.8, subsection 1, Code 1989, is amended to read as follows:

1. The commission ~~shall at such times as shall be found, when necessary under such the rules, including minimum and maximum age limits, as which shall be prescribed and published in advance by the commission and posted in the city hall, shall 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 which will fairly test the mental and physical ability of the applicant to discharge the duties of the position to which the applicant seeks appointment. Provided, however, that such~~ However, the physical examination of applicants for appointment to the positions of police officer, police matron or fire fighter 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 and the commission may conduct a medical examination of an applicant after a conditional offer of employment has been made to the applicant. An applicant shall not be discriminated against on the basis of height, weight, sex, or race in determining physical or mental ability of the applicant. Reasonable rules relating to strength, agility, and general health of applicants shall be prescribed. The costs of the physical examination required under this subsection shall be paid from the trust and agency fund of the city.

Sec. 3. Section 400.11, unnumbered paragraph 1, Code 1989, is amended to read as follows:

The commission shall, within ninety days after the beginning of each competitive examination for original appointment or for promotion, shall certify to the city council a list of the names of the ten persons who qualify with the highest standing as a result of each examination for the position they seek to fill, or such the number as may

which have qualified if less than ten, in the order of their standing, and all newly created offices or other vacancies in positions under civil service which shall occur before the beginning of the next examination for such the positions shall be filled from said the lists, or from the preferred list existing as provided for in case of diminution of employees, within thirty days. If a tie occurs in the examination scores which would qualify persons for the tenth position on the list, the list of the names of the persons who qualify with the highest standing as a result of each examination shall include all persons who qualify for the tenth position. Preference for temporary service in civil service positions shall be given those on such the lists. However, the commission may certify a list of names eligible for appointment subject to successfully completing a medical examination. The medical examination shall be provided pursuant to commission rules adopted under section 400.8.

Sec. 4. Section 400.17, unnumbered paragraph 1, Code 1989, is amended to read as follows:

Except as otherwise provided, no a person shall not be appointed or employed in any capacity in the fire or police department, or any department which is governed by the civil service, until such the person shall have has passed a civil service examination as provided in this chapter, and has been certified to the city council as being eligible for such the appointment; provided, however, that in cases of. However, in an emergency, in which the peace and order of the city is threatened by reason of fire, flood, storm, or mob violence, making additional protection of life and property necessary, in which case the person having the appointing power may deputize additional persons, without examination, to act as peace officers until such the emergency shall have has passed. A person may be appointed to a position subject to successfully completing a civil service medical examination. In no case shall any A person shall not be appointed or

employed in any capacity in the fire or police department, or any department which is governed by civil service, unless such the person:

Sec. 5. This Act, being deemed of immediate importance, takes effect upon enactment.

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 573, Seventy-third General Assembly.

JOSEPH O'HERN
Chief Clerk of the House
Approved May 22, 1989

TERRY E. BRANSTAD
Governor