

SENATE FILE 258
BY MADDOX

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

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

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

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S.F. 258

1 Section 1. Section 400.1, Code 1997, is amended to read as
2 follows:

3 400.1 APPOINTMENT OF COMMISSION.

4 In cities having a population of eight thousand or over,
5 and having a paid fire department or a paid police department,
6 the mayor, one year after each regular municipal election,
7 with the approval of the council, shall appoint three civil
8 service commissioners who shall hold office, one until the
9 first Monday in April of the second year, one until the first
10 Monday in April of the ~~fourth~~ third year, and one until the
11 first Monday in April of the ~~sixth~~ fourth year after such
12 appointment, whose successors shall be appointed for a term of
13 ~~six~~ four years. In cities having a population of more than
14 one hundred thousand, the city council may establish, by
15 ordinance, the number of civil service commissioners at not
16 less than three.

17 For the purpose of determining the population of a city
18 under this section ~~chapter~~, the federal census conducted in
19 1980 shall be used. ~~This paragraph is void effective July 17~~
20 ~~2001.~~

21 Sec. 2. Section 400.4, unnumbered paragraph 1, Code 1997,
22 is amended to read as follows:

23 The commission shall elect a chairperson from among its
24 members. In cities having a population of more than seventy-
25 five thousand, the commission shall appoint a clerk of the
26 commission. In all other cities the city clerk or a designee
27 of the city clerk shall be clerk of the commission. If an
28 employee is appointed clerk of the commission who is employed
29 in a civil service status at the time of appointment as clerk
30 of the commission, the appointee shall retain the civil
31 service rights held before the appointment. However, this
32 section does not grant civil service status or rights to the
33 employee in the capacity of clerk of the commission nor extend
34 any civil service right upon which the appointee may retain
35 the position of clerk of the commission.

1 Sec. 3. Section 400.6, subsection 2, Code 1997, is amended
2 to read as follows:

3 2. The city clerk, chief deputy city clerk, city
4 attorneys, city treasurer, city assessor, city auditor,
5 professional city engineer engineers licensed in this state,
6 and city health officer.

7 Sec. 4. Section 400.7, subsection 3, unnumbered paragraph
8 1, Code 1997, is amended to read as follows:

9 An employee who has not completed the required probationary
10 period but who otherwise meets the ~~requirements of subsection~~
11 ~~1 or 2~~ minimum qualifications established for the position or
12 who passes a qualifying noncompetitive examination for the
13 position shall receive full civil service rights in the
14 position upon the completion of the probationary period.

15 Sec. 5. Section 400.8, subsection 3, Code 1997, is amended
16 to read as follows:

17 3. All appointments to such positions shall be conditional
18 upon a probation period of not to exceed six months, and in
19 the case of police patrol officers, police dispatchers, and
20 fire fighters a probation period not to exceed ~~twelve~~ eighteen
21 months. However, in cities with a population over one hundred
22 seventy-five thousand, appointments to the position of fire
23 fighter shall be conditional upon a probation period of not to
24 exceed twenty-four months. During the probation period, the
25 appointee may be removed or discharged from such position by
26 the appointing person or body without the right of appeal to
27 the commission. A person removed or discharged during a
28 probationary period shall, at the time of discharge, be given
29 a notice in writing stating the reason or reasons for the
30 dismissal. A copy of such notice shall be promptly filed with
31 the commission. Continuance in the position after the
32 expiration of such probationary period shall constitute a
33 permanent appointment.

34 Sec. 6. Section 400.9, subsection 3, Code 1997, is amended
35 to read as follows:

1 3. Vacancies in civil service promotional grades shall be
2 filled by lateral transfer, voluntary demotion, or promotion
3 of employees of the city to the extent that the city employees
4 qualify for the positions. When laterally transferred,
5 voluntarily demoted, or promoted, an employee shall hold full
6 civil service rights in the position. If an employee of the
7 city does not pass ~~one-of-two-successive~~ the promotional
8 ~~examinations~~ examination and otherwise qualify for a vacated
9 position, or if an employee of the city does not apply for a
10 vacated position, an entrance examination may be used to fill
11 the vacancy.

12 Sec. 7. Section 400.10, unnumbered paragraph 1, Code 1997,
13 is amended to read as follows:

14 In all examinations and appointments under this chapter,
15 other than promotions and appointments of chief of the police
16 department and chief of the fire department, honorably
17 discharged veterans from the military or naval forces of the
18 United States in any war in which the United States has been
19 engaged, including the Korean Conflict at any time between
20 June 25, 1950, and January 31, 1955, both dates inclusive, the
21 Vietnam Conflict beginning August 5, 1964, and ending May 7,
22 1975, both dates inclusive, and the Persian Gulf Conflict
23 beginning August 2, 1990, and ending ~~on-the-date-specified-by~~
24 ~~the-president-or-the-Congress-of-the-United-States-as-the-date~~
25 ~~of-permanent-cessation-of-hostilities~~ January 1, 1997, both
26 dates inclusive, and who are citizens and residents of this
27 state, shall have five points added to the veteran's grade or
28 score attained in qualifying examinations for appointment to
29 positions and five additional points added to the grade or
30 score if the veteran has a service-connected disability or is
31 receiving compensation, disability benefits or pension under
32 laws administered by the veterans administration. However, if
33 the Congress of the United States enacts a different date
34 ~~different-from-August-27-1990~~, as the beginning date or the
35 ending date of the Persian Gulf Conflict to determine the

1 eligibility of a veteran for military benefits as a veteran of
2 the Persian Gulf Conflict, the date dates enacted by the
3 Congress of the United States shall be substituted for August
4 27-1990 the Persian Gulf Conflict dates specified in this
5 paragraph. An honorably discharged veteran who has been
6 awarded the Purple Heart for disabilities incurred in action
7 shall be considered to have a service-connected disability.
8 However, the points shall be given only upon passing the exam
9 and shall not be the determining factor in passing.

10 Sec. 8. Section 400.11, unnumbered paragraphs 1 and 2,
11 Code 1997, are amended to read as follows:

12 The commission, within ninety one hundred eighty days after
13 the beginning of each competitive examination for original
14 appointment ~~or-fer-promotion~~, shall certify to the city
15 council a list of the names of the-ten forty persons, or a
16 lesser number as determined by the commission, who qualify
17 with the highest standing as a result of each examination for
18 the position they seek to fill, or the number which have
19 qualified if less than ten forty, in the order of their
20 standing, and all newly created offices or other vacancies in
21 positions under civil service which occur before the beginning
22 of the next examination for the positions shall be filled from
23 the lists, or from the preferred list existing as provided for
24 in case of diminution of employees, within thirty days. If a
25 tie occurs in the examination scores which would qualify
26 persons for the tenth last position on the list, the list of
27 the names of the persons who qualify with the highest standing
28 as a result of each examination shall include all persons who
29 qualify for the tenth last position. Preference for temporary
30 service in civil service positions shall be given those on the
31 lists. However, the commission may certify a list of names
32 eligible for appointment subject to successfully completing a
33 medical examination. The medical examination shall be
34 provided pursuant to commission rules adopted under section
35 400.8.

1 The commission may hold in reserve, for original
2 appointments and-for-promotions, additional lists of ten
3 forty persons, each next highest in standing, in order of
4 their grade, or such number as may qualify if less than ten
5 forty. If the list of ten up to forty persons provided in the
6 first paragraph is exhausted within one year, the commission
7 may certify such additional lists of ten up to forty persons
8 each, in order of their standing, to the council as eligible
9 for appointment to fill such vacancies as may exist. However,
10 ~~for-original-appointments-only,-no-more-than-four-lists-of-ten~~
11 ~~persons-each-shall-be-certified-for-each-one-year-period-of~~
12 ~~eligibility:~~

13 Sec. 9. Section 400.11, unnumbered paragraph 3, Code 1997,
14 is amended by striking the unnumbered paragraph and inserting
15 in lieu thereof the following:

16 The commission, within ninety days after the beginning of
17 each competitive examination for promotion, shall certify to
18 the city council a list of names of the ten persons who
19 qualify with the highest standing as a result of each
20 examination for the position the persons seek to fill, or the
21 number which have qualified if less than ten, in the order of
22 their standing and all newly created offices or other
23 vacancies in positions under civil service which occur before
24 the beginning of the next examination for the positions shall
25 be filled from the lists, or from the preferred list existing
26 as provided for in the case of diminution of employees, within
27 thirty days. If a tie occurs in the examination scores which
28 would qualify persons for the tenth position on the list, the
29 list of names of the persons who qualify with the highest
30 standing as a result of each examination shall include all
31 persons who qualify for the tenth position.

32 Sec. 10. Section 400.15, unnumbered paragraph 3, Code
33 1997, is amended to read as follows:

34 All such appointments or promotions shall promptly be
35 reported to the clerk of the commission by the appointing

1 officer. An appointing authority may transfer an employee,
2 other than police officers and fire fighters, ~~with the~~
3 ~~employee's consent without coercion,~~ from one department to
4 the same civil service classification in another department,
5 and such employee shall retain the same civil service status.

6 Sec. 11. EFFECTIVE DATE AND TRANSITION PROVISIONS.
7 Section 1 of this Act takes effect January 1, 1998. All city
8 civil service commissioners serving unexpired terms of office
9 on January 1, 1998, may continue to serve their unexpired
10 terms of office until April 6, 1998, when their terms of
11 office shall expire. Their successors shall be appointed or
12 reappointed by the mayor with approval of the city council to
13 initial terms of office as provided in section 1 of this Act
14 and thereafter to four-year terms.

15 EXPLANATION

16 This bill provides for a number of amendments to chapter
17 400, which relates to city civil service.

18 Code section 400.1 is amended to reduce the term of office
19 for city civil service commissioners from six years to four
20 years. The amendment also freezes the populations of cities
21 at the level ascertained by the 1980 census as the populations
22 relate to city civil service applicability in Code chapter
23 400.

24 Code section 400.4 is amended to allow city clerks to
25 select designees to serve as clerks to the civil service
26 commissions in cities of 75,000 population or fewer.

27 Code section 400.6 is amended to exempt professional city
28 engineers licensed in this state from civil service coverage.

29 Code section 400.7 is amended to provide that an employee
30 who has not completed the required probationary period but who
31 otherwise meets the minimum qualifications established for the
32 position or who passes a qualifying noncompetitive examination
33 for the position shall receive full civil service rights upon
34 completion of the probationary period.

35 Code section 400.8 is amended to increase the maximum

1 probationary period for police patrol officers, police
2 dispatchers, and fire fighters from 12 months to 18 months.
3 Code section 400.9 is amended to eliminate the requirement
4 of holding two successive examinations to find qualifying
5 applicants for promotions.
6 Code section 400.10 is amended to provide an ending date
7 for the Persian Gulf Conflict of January 1, 1997. The date
8 will change if the U.S. Congress enacts another ending date.
9 Code section 400.11 is amended to increase from 90 days to
10 180 days the amount of time for a civil service commission to
11 conduct background checks on potential employees. The
12 amendment also increases the number of names on two lists for
13 original appointments from 10 to 40, or a lesser number
14 determined by the commission. This increase will allow a pool
15 of up to 80 persons from which to choose appointees. The
16 amendment also provides a 90-day period for investigation of
17 promotion applicants and provides for a list of up to 10
18 applicants in order of standing, plus all persons tied for the
19 tenth position.
20 Code section 400.15 is amended to eliminate the requirement
21 that an employee must give consent to be transferred to
22 another department at the same civil service classification.
23 This change does not apply to police officers or fire
24 fighters.
25 The bill also provides a delayed effective date for the
26 amendment of Code section 400.1 to January 1, 1998, to provide
27 for a transition to new four-year terms of office for civil
28 service commissioners.
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