

JAN 29 2003
LOCAL GOVERNMENT

HOUSE FILE 89
BY MURPHY

(COMPANION TO LSB 1825SS
BY CONNOLLY)

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

A BILL FOR

1 An Act relating to city or county civil service commissions.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22

HF-89

1 Section 1. Section 331.756, subsection 62, Code 2003, is
2 amended by striking the subsection.

3 Sec. 2. Section 341A.2, Code 2003, is amended by adding
4 the following new unnumbered paragraph:

5 NEW UNNUMBERED PARAGRAPH. Civil service commissioners
6 shall not have an interest, direct or indirect, in any
7 contract or job of work or material or the profits thereof or
8 services to be furnished or performed for the county in which
9 they are commissioners, notwithstanding section 331.342. A
10 violation of this conflict of interest provision is a simple
11 misdemeanor. For purposes of this section, "contract" means
12 any claim, account, or demand against or agreement with the
13 county in which the commissioner serves, express or implied.

14 Sec. 3. Section 341A.12, unnumbered paragraph 1, Code
15 2003, is amended to read as follows:

16 ~~No~~ A person in the classified civil service who has been
17 permanently appointed or inducted into civil service under
18 provisions of this chapter shall not be removed, suspended, or
19 demoted except for cause, and only upon written accusation of
20 the county sheriff, which shall be served upon the accused,
21 and a duplicate filed with the commission. Any person so
22 removed, suspended, or reduced in rank or grade may, within
23 ten days after presentation to the person of the order of
24 removal, suspension, or reduction, appeal to the commission
25 from such order. The commission shall, within two weeks from
26 the filing of ~~such~~ the appeal, hold a hearing thereon, and
27 fully hear and determine the matter, and either affirm,
28 modify, or revoke ~~such~~ the order. The appellant shall be
29 entitled to appeal personally, produce evidence, and ~~to have~~
30 be represented by counsel or other duly authorized agent. The
31 finding and decision of the commission shall be certified to
32 the sheriff, and shall be enforced and followed by the
33 sheriff, but under no condition shall the employee who has
34 appealed to the commission be permanently removed, suspended,
35 or reduced in rank until ~~such~~ the finding and decision of the

1 commission is certified to the sheriff pursuant to the rules
2 of civil procedure.

3 Sec. 4. Section 341A.16, Code 2003, is amended to read as
4 follows:

5 341A.16 CIVIL SUITS.

6 The commission shall initiate and conduct all civil suits
7 necessary for the proper enforcement of this chapter and the
8 rules of the commission. The commission shall be represented
9 in such suits by ~~the county attorney~~ an attorney hired by the
10 commission on a per diem basis to represent it. In the case
11 of the combined counties, ~~any one or more of the county~~ an
12 attorney or attorneys of such combined counties may shall be
13 selected and hired on a per diem basis by the commission to
14 represent it. The attorney hired by the commission shall not
15 be the county attorney or any attorney who is an employee of
16 the county.

17 Sec. 5. Section 400.2, unnumbered paragraph 2, Code 2003,
18 is amended to read as follows:

19 Civil service commissioners shall not ~~sell to, or in any~~
20 ~~manner become parties, directly, to~~ have an interest, direct
21 or indirect, in any contract to furnish supplies, material, or
22 labor to or job of work or material or the profits thereof or
23 services to be furnished or performed for the city in which
24 they are commissioners except as provided in, notwithstanding
25 section 362.5. A violation of this conflict of interest
26 provision is a simple misdemeanor. For purposes of this
27 section, "contract" means any claim, account, or demand
28 against or agreement with the city in which the commissioner
29 serves.

30 Sec. 6. Section 400.26, Code 2003, is amended to read as
31 follows:

32 400.26 PUBLIC TRIAL.

33 The trial of all appeals shall be public, and the parties
34 may be represented by counsel or other duly authorized agent.

35 Sec. 7. Section 400.27, unnumbered paragraph 2, Code 2003,

1 an appeal to a city or county civil service commission is
2 entitled to be represented by a duly authorized agent or by
3 legal counsel. Currently, such employees are only entitled to
4 be represented by legal counsel.

5 The bill provides that a city or county civil service
6 commission must employ legal counsel on a per diem basis to be
7 the attorney for the commission and to represent the
8 commission in matters brought before the commission concerning
9 civil service employees. The bill provides that a city or
10 county civil service commission can no longer be represented
11 by the city attorney or solicitor or any attorney who is an
12 employee of the city or by the county attorney or any attorney
13 who is an employee of the county respectively.

14 The bill may include a state mandate as defined in Code
15 section 25B.3. The bill makes inapplicable Code section
16 25B.2, subsection 3, which would relieve a political
17 subdivision from complying with a state mandate if funding for
18 the cost of the state mandate is not provided or specified.
19 Therefore, political subdivisions are required to comply with
20 any state mandate included in the bill.

21
22
23
24
25
26
27
28
29
30
31
32
33
34
35