

SENATE FILE 2264
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 2090)

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

A BILL FOR

1 An Act relating to the waiver of physical requirements for peace
2 officers and civil service employees.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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SENATE FILE 2264
S-5116
1 Amend Senate File 2264 as follows:
2 1. Page 1, line 7, by striking the word
3 "department" and inserting the following: "city
4 council, board of supervisors,".
By LARRY MCKIBBEN
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1 **S-5116** FILED MARCH 17, 2004
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] **SENATE FILE 2264**
: **H-8322**
1 1 Amend Senate File 2264, as amended, passed, and
1 2 reprinted by the Senate, as follows:
: 3 1. Page 1, line 8, by striking the word "shall"
: 4 and inserting the following: "may".
: By COMMITTEE ON JUDICIARY
: MADDOX of Polk, Chairperson
: **H-8322** FILED MARCH 25, 2004

SF 2264
JUDICIARY

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1 Section 1. Section 80B.11, subsection 5, Code Supplement
2 2003, is amended to read as follows:

3 5. Minimum standards of physical, educational and moral
4 fitness which shall govern the recruitment, selection, and
5 appointment of law enforcement officers. The council may
6 waive any physical requirement upon the request of the
7 employing department or agency on a showing of good cause.
8 The council shall waive any physical requirement for the
9 following:

- 10 a. The chief of a police department.
11 b. Any person functioning in an administrative capacity.
12 c. Any person who has, in the last two years, met the
13 physical requirements for the recruitment, selection, and
14 appointment of a law enforcement officer in another state.

15 Sec. 2. Section 400.17, Code 2003, is amended to read as
16 follows:

17 400.17 EMPLOYEES UNDER CIVIL SERVICE -- QUALIFICATIONS.

18 Except as otherwise provided in section 400.7, a person
19 shall not be appointed, promoted, or employed in any capacity,
20 including a new classification, in the fire or police
21 department, or any department which is governed by the civil
22 service, until the person has passed a civil service
23 examination as provided in this chapter, and has been
24 certified to the city council as being eligible for the
25 appointment. However, in an emergency in which the peace and
26 order of the city is threatened by reason of fire, flood,
27 storm, or mob violence, making additional protection of life
28 and property necessary, the person having the appointing power
29 may deputize additional persons, without examination, to act
30 as peace officers until the emergency has passed. A person
31 may be appointed to a position subject to successfully
32 completing a civil service medical examination. A person
33 shall not be appointed or employed in any capacity in the fire
34 or police department if the person is unable to meet
35 reasonable physical condition training requirements and

1 reasonable level of experience requirements necessary for the
2 performance of the position unless those requirements are
3 specifically waived as provided in this section; if the person
4 is a habitual criminal; if the person is addicted to narcotics
5 or alcohol and has not been rehabilitated for a period of one
6 year or more, or is not presently undergoing treatment; or if
7 the person has attempted a deception or fraud in connection
8 with a civil service examination.

9 Except as otherwise provided in this section and section
10 400.7, a person shall not be appointed or employed in any
11 capacity in any department which is governed by civil service
12 if the person is unable to meet reasonable physical condition
13 training requirements and reasonable level of experience
14 requirements necessary for the performance of the position; if
15 the person is addicted to narcotics or alcohol and has not
16 been rehabilitated for a period of one year or more, or is not
17 presently undergoing treatment; or if the person has attempted
18 a deception or fraud in connection with a civil service
19 examination. A fire or police department, or any department
20 which is governed by the civil service, may waive the physical
21 condition training requirements for good cause.

22 Employees shall not be required to be a resident of the
23 city in which they are employed, but they shall become a
24 resident of the state at the time such appointment or
25 employment begins and shall remain a resident of the state
26 during employment. Cities may set reasonable maximum
27 distances outside of the corporate limits of the city that
28 police officers, fire fighters and other critical municipal
29 employees may live.

30 A person shall not be appointed, promoted, discharged, or
31 demoted to or from a civil service position or in any other
32 way favored or discriminated against in that position because
33 of political or religious opinions or affiliations, race,
34 national origin, sex, or age. However, the maximum age for a
35 police officer or fire fighter covered by this chapter and

1 employed for police duty or the duty of fighting fires is
2 sixty-five years of age.

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EXPLANATION

4 This bill allows the Iowa law enforcement academy council
5 to waive its physical requirements for certification for good
6 cause, when requested by a department or agency. The bill
7 requires the council to grant such a waiver for the chief of a
8 police department, any person functioning in an administrative
9 capacity, or any person who has, in the last two years, met
10 the physical requirements for the recruitment, selection, and
11 appointment of a law enforcement officer in another state.
12 The bill also allows local departments to waive physical
13 condition training requirements for civil service employees
14 for good cause.

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Fiscal Services Division
Legislative Services Agency
Fiscal Note

SF 2264 - Law Enforcement Academy Certification (LSB 5758 SV)

Analyst: Jennifer Acton (Phone: (515) 281-7846) (jennifer.acton@legis.state.ia.us)

Fiscal Note Version - New

Description

Senate File 2264 waives the physical requirements for peace officers and civil service employees.

Assumptions

1. Senate File 2264 may increase costs for Iowa Law Enforcement Academy (ILEA) tuition, workers' compensation, and disability. There is no information available to determine the increased cost of workers' compensation and disability retirement.
2. If a person is sent home and has to complete training at a later time, this results in increased tuition as well as loss of duty time for the law enforcement agency.
3. Currently, five to ten students for each ILEA class fail the physical fitness requirements before being admitted to the ILEA. Of the students admitted, three to six students are sent home over a 12-month period, after passing the physical fitness test. This is approximately 2.5% of the students attending the Academy. The cost associated with three to six students would be minimal.
4. Senate File 2264 would admit between 60 and 90 additional students to the Academy who, under current physical fitness requirements, are declined admittance to the Academy. If the 60 to 90 students suffered injury and were sent home, the costs to all agencies could range from \$30,000 to \$180,000 (partial tuition vs. total tuition). The agency who sends the student would be required to pay the tuition when the student returned unless the injury was caused by ILEA personnel. The agency would also be required to pay workers' compensation claims if the student is injured at the Academy. It is unknown how many of these individuals would apply for admittance and how many would be injured during training. These costs would be in addition to the tuition.
5. The cost to attend the Academy is \$2,000. If a student is injured in the first week of training, they receive all but \$50 back. If a student is injured in the second week, they are reimbursed 75.0% of the cost to attend. If a student is injured in the third week, they pay 50.0% of the Academy costs. If a student is injured in the fourth week, they pay the full 100.0% of tuition expenses.

Fiscal Impact

The cost of SF 2264 to the ILEA is not expected to be significant.

The cost to the county or local agency sending the student to the Academy would range from \$500 to \$2,000 for each student. The actual number of students that would be impacted is unknown. If 60 to 90 students who originally failed to meet physical fitness requirements were admitted and later suffered injury and were sent home, the cost to county and local agencies would range from \$30,000 to \$180,000 annually.

Source

Iowa Law Enforcement Academy

Dennis C Prouty

March 23, 2004

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.

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