

Senate File 2330 - Introduced

SENATE FILE 2330

BY WESTRICH

A BILL FOR

1 An Act relating to civil service hiring processes.

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

1 Section 1. Section 400.8, subsections 1 and 3, Code 2024,
2 are amended to read as follows:

3 1. The commission, when necessary under the rules,
4 including minimum and maximum age limits, which shall be
5 prescribed and published in advance by the commission and
6 posted in the city hall, shall hold examinations for the
7 purpose of determining the qualifications of applicants for
8 police officer and fire fighter positions under civil service,
9 ~~other than promotions,~~ which examinations shall be practical
10 in character and shall relate to matters ~~which~~ that will
11 fairly test the mental and physical ability of the applicant
12 to discharge the duties of the position to which the applicant
13 seeks appointment. The physical examination of applicants
14 for appointment to the positions of police officer, police
15 matron, or fire fighter shall be held in accordance with
16 medical protocols established by the board of trustees of the
17 fire and police retirement system established by [section 411.5](#)
18 and shall be conducted in accordance with the directives of
19 the board of trustees. However, the prohibitions of section
20 216.6, subsection 1, paragraph "d", regarding tests for the
21 presence of the antibody to the human immunodeficiency virus
22 shall not apply to such examinations. The board of trustees
23 may change the medical protocols at any time the board so
24 determines. In the event of a conflict between the medical
25 protocols established under [this section](#) and the minimum
26 entrance requirements of the Iowa law enforcement academy
27 under [section 80B.11](#), the medical protocols established under
28 this section shall control. The physical examination of an
29 applicant for the position of police officer, police matron, or
30 fire fighter shall be conducted after a conditional offer of
31 employment has been made to the applicant. An applicant shall
32 not be discriminated against on the basis of height, weight,
33 sex, or race in determining physical or mental ability of the
34 applicant. Reasonable rules relating to strength, agility, and
35 general health of applicants shall be prescribed. The costs of

1 the physical examination required under this subsection shall
2 be paid from the trust and agency fund of the city.

3 3. All appointments to ~~such~~ civil service positions shall
4 be conditional upon a probation period of not to exceed six
5 months, ~~and in the case~~ except that the appointment of police
6 dispatchers and fire fighters shall be conditional upon a
7 probation period not to exceed twelve months. In the case
8 of police patrol officers, if the employee has successfully
9 completed training at the Iowa law enforcement academy or
10 another training facility certified by the director of the
11 Iowa law enforcement academy before the initial appointment
12 as a police patrol officer, the probationary period shall be
13 for a period of up to nine months and shall commence with the
14 date of initial appointment as a police patrol officer. If
15 the employee has not successfully completed training at the
16 Iowa law enforcement academy or another training facility
17 certified by the director of the law enforcement academy
18 before initial appointment as a police patrol officer, the
19 probationary period shall commence with the date of initial
20 employment as a police patrol officer and shall continue for a
21 period of up to nine months following the date of successful
22 completion of training at the Iowa law enforcement academy
23 or another training facility certified by the director of
24 the Iowa law enforcement academy. A police patrol officer
25 transferring employment from one jurisdiction to another
26 shall be employed subject to a probationary period of up to
27 nine months. However, in cities with a population over one
28 hundred seventy-five thousand, appointments to the position
29 of fire fighter shall be conditional upon a probation period
30 of not to exceed twenty-four months. During the probation
31 period, the appointee may be removed or discharged from such
32 position by the appointing person or body without the right
33 of appeal to the commission. A person removed or discharged
34 during a probationary period shall, at the time of discharge,
35 be given a notice in writing stating the reason or reasons

1 for the dismissal. A copy of such notice shall be promptly
2 filed with the commission. Continuance in the position after
3 the expiration of such probationary period shall constitute a
4 permanent appointment.

5 Sec. 2. Section 400.9, subsections 1 and 3, Code 2024, are
6 amended to read as follows:

7 1. The commission shall, at such times as shall be found
8 necessary, under such rules as shall be prescribed and
9 published in advance by the commission, and posted in the
10 city hall, hold competitive promotional examinations for the
11 purpose of determining the qualifications of police officer
12 and fire fighter applicants for promotion to a higher grade
13 under civil service, which examinations shall be practical in
14 character, and shall relate to such matters as will fairly test
15 the ability of the applicant to discharge the duties of the
16 position to which the applicant seeks promotion.

17 3. a. Vacancies Except as provided in paragraph "b",
18 vacancies in civil service promotional grades shall be filled
19 by lateral transfer, voluntary demotion, or promotion of
20 employees of the city to the extent that the city employees
21 qualify for the positions. When laterally transferred,
22 voluntarily demoted, or promoted, an employee shall hold full
23 civil service rights in the position. If an employee of the
24 city does not ~~pass the promotional examination and otherwise~~
25 qualify for a vacated position, or if an employee of the city
26 does not apply for a vacated position, ~~an entrance examination~~
27 ~~may be used to fill the vacancy~~ the city may fill the position
28 with an initial appointment.

29 b. Vacancies in promotional grades for police officer and
30 fire fighter positions shall be filled by lateral transfer,
31 voluntary demotion, or promotion of employees of the city to
32 the extent that the city employees qualify for the positions.
33 When laterally transferred, voluntarily demoted, or promoted,
34 an employee shall hold full civil service rights in the
35 position. If an employee of the city does not pass the

1 applicable promotional examination and otherwise qualify for a
2 vacated position, or if an employee of the city does not apply
3 for a vacated position, an entrance examination may be used to
4 fill the vacancy.

5 Sec. 3. Section 400.9, subsection 4, unnumbered paragraph
6 1, Code 2024, is amended to read as follows:

7 If there is a certified list of qualified candidates for a
8 police officer or fire fighter promotional appointment, the
9 following procedures shall be followed:

10 Sec. 4. Section 400.9, subsection 5, paragraph b, Code 2024,
11 is amended to read as follows:

12 b. All ~~civil service employees~~ police officers and fire
13 fighters of a city who meet the minimum qualifications for a
14 classification shall have the right to compete in the civil
15 service examination process to establish a certified list of
16 qualified candidates.

17 Sec. 5. Section 400.11, Code 2024, is amended to read as
18 follows:

19 **400.11 Names certified — temporary appointment.**

20 1. a. The commission, within one hundred eighty days after
21 the beginning of each competitive examination for original
22 appointment of a police officer or fire fighter, shall certify
23 to the city council a list of the names of forty persons, or
24 a lesser number as determined by the commission, who qualify
25 with the highest standing as a result of each examination for
26 the position they seek to fill, or the number ~~which~~ that have
27 qualified if less than forty, in the order of their standing,
28 and all newly created police officer or fire fighter offices
29 or other ~~vacancies in~~ vacant police officer and fire fighter
30 ~~positions under civil service~~ which that occur before the
31 beginning of the next examination for the positions shall be
32 filled from the lists, or from the preferred list existing if
33 provided for in case of diminution of employees, within thirty
34 days. If a tie occurs in the examination scores ~~which~~ that
35 would qualify persons for the last position on the list, the

1 list of the names of the persons who qualify with the highest
2 standing as a result of each examination shall include all
3 persons who qualify for the last position. Preference for
4 temporary service in civil service positions shall be given
5 those on the lists. However, the commission may certify a
6 list of names eligible for appointment subject to successfully
7 completing a medical examination. The medical examination
8 shall be provided pursuant to commission rules adopted under
9 section 400.8.

10 *b.* The commission may hold in reserve, for original
11 appointments, additional lists of forty persons, each next
12 highest in standing, in order of their grade, or such number
13 as may qualify if less than forty. If the list of up to forty
14 persons provided in the first paragraph is exhausted within one
15 year, the commission may certify such additional lists of up to
16 forty persons each, in order of their standing, to the council
17 as eligible for appointment to fill such police officer and
18 fire fighter vacancies as may exist.

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

1 *b.* Except where the preferred list exists, persons on the
2 certified eligible list for promotion shall hold preference for
3 promotion for two years following the date of certification,
4 except for certified eligible lists of fire fighters as
5 defined in [section 411.1, subsection 10](#), which lists shall hold
6 preference for three years upon approval of the commission,
7 after which the lists shall be canceled and promotion to the
8 grade shall not be made until a new list has been certified
9 eligible for promotion.

10 3. When there is no such preferred list or certified
11 eligible list, or when the eligible list shall be exhausted,
12 the person or body having the appointing power may temporarily
13 fill a newly created office or other vacancy for a police
14 officer or fire fighter only until an examination can be
15 held and the names of qualified persons be certified by the
16 commission, and such temporary appointments are hereby limited
17 to ninety days for any one person in the same vacancy, but such
18 limitation shall not apply to persons temporarily acting in
19 positions regularly held by another. A temporary appointment
20 to a position regularly held by another shall, whenever
21 possible, be made according to the certified eligible list.
22 Any person temporarily filling a vacancy in a position of
23 higher grade for twenty days or more, shall receive the salary
24 paid in such higher grade.

25 Sec. 6. Section 400.15, Code 2024, is amended to read as
26 follows:

27 **400.15 Appointing powers.**

28 1. All appointments or promotions to police officer and fire
29 fighter positions within the scope of [this chapter](#) other than
30 those of chief of police and chief of fire department shall be
31 made:

32 ~~*a.* In cities under the commission form of government, by~~
33 ~~the superintendents of the respective departments, with the~~
34 ~~approval of the city council.~~

35 ~~*b.*~~ *a.* In cities under the city manager plan, by the city

1 manager.

2 ~~e.~~ b. In all other cities, with the approval of the city
3 council.

4 ~~d.~~ c. In the police and fire departments, by the chiefs of
5 the respective departments.

6 2. All such appointments or promotions shall promptly
7 be reported to the clerk of the commission by the appointing
8 officer. ~~An appointing authority may transfer an employee,
9 other than police officers and fire fighters, from one
10 department to the same civil service classification in another
11 department, and such employee shall retain the same civil
12 service status.~~

13 Sec. 7. Section 400.17, subsections 1 and 2, Code 2024, are
14 amended to read as follows:

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

1 rehabilitated for a period of one year or more, or is not
2 presently undergoing treatment; or if the person has attempted
3 a deception or fraud in connection with a civil service
4 examination.

5 2. Except as otherwise provided in [this section](#) and section
6 400.7, a person shall not be appointed or employed in any
7 capacity in any department ~~which~~ that is governed by civil
8 service if the person is unable to meet ~~reasonable physical~~
9 ~~condition training requirements~~ and reasonable level of
10 experience requirements necessary for the performance of the
11 position; if the person is addicted to narcotics or alcohol
12 and has not been rehabilitated for a period of one year or
13 more, or is not presently undergoing treatment; or if the
14 person has attempted a deception or fraud in connection with a
15 civil service examination. Additionally, a person shall not
16 be appointed or employed as a police officer or fire fighter
17 if the person is unable to meet reasonable physical condition
18 training requirements.

19 EXPLANATION

20 The inclusion of this explanation does not constitute agreement with
21 the explanation's substance by the members of the general assembly.

22 This bill relates to civil service hiring practices and
23 examinations. Current law provides procedures for examinations
24 and hiring practices for open or newly created civil service
25 positions.

26 The bill provides that only an open or new police officer
27 or fire fighter position may be subject to an examination.
28 Current law allows a civil service position to utilize an
29 examination examining mental and physical ability in the hiring
30 process. An initial or promotional examination may only be
31 utilized for the appointment or promotion of a police officer
32 or fire fighter.

33 The bill provides that a certified list of each
34 examination's highest standing applicants for police officer
35 and fire fighter positions shall be given to the city council.

1 The civil service commission may hold more applicants in
2 reserve in the case there are no remaining eligible applicants
3 to fill open police officer and fire fighter positions. Only a
4 police officer or a fire fighter may be hired temporarily until
5 an examination can be held and the position can be filled by a
6 qualified applicant.

7 The bill requires all applicants for police and fire
8 department appointments, promotions, and employment to be
9 certified as eligible to the city council. A person shall not
10 be appointed as a police officer or fire fighter if the person
11 does not meet physical training, experience, substance use, and
12 character requirements.