

**Senate Study Bill 1010 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
LOCAL GOVERNMENT BILL BY  
CHAIRPERSON WEBSTER)

**A BILL FOR**

1 An Act relating to city civil service employees and related  
2 procedures and including effective date provisions.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 364.3, Code 2025, is amended by adding the  
2 following new subsection:

3 NEW SUBSECTION. 20. A city with a civil service commission  
4 established under chapter 400 shall not adopt, enforce, or  
5 otherwise administer an ordinance, motion, resolution, or  
6 amendment, or use any other means, to establish a board or other  
7 entity for the purpose of citizen review of the conduct of police  
8 officers.

9 Sec. 2. Section 400.1, subsection 1, Code 2025, is amended to  
10 read as follows:

11 1. In cities having a population of eight thousand or over  
12 and having a paid fire department or a paid police department,  
13 the mayor, one year after a regular city election, with the  
14 approval of the council, shall appoint three civil service  
15 commissioners. The mayor shall publish notice of the names of  
16 persons selected for appointment no less than thirty days prior  
17 to a vote by the city council. Commissioners shall hold office,  
18 one until the first Monday in April of the second year, one until  
19 the first Monday in April of the third year, and one until the  
20 first Monday in April of the fourth year after such appointment,  
21 whose successors shall be appointed for a term of four years. In  
22 cities having a population of more than ~~seventy~~ fifty thousand,  
23 the city council ~~may~~ shall establish, by ordinance, the number of  
24 civil service commissioners at not less than ~~three~~ five but not  
25 more than seven.

26 Sec. 3. Section 400.18, subsections 1 and 3, Code 2025, are  
27 amended to read as follows:

28 1. A person holding civil service rights as provided in  
29 this chapter shall ~~not~~ only be removed, discharged, demoted, or  
30 suspended ~~arbitrarily, but may be removed, discharged, demoted,~~  
31 ~~or suspended due to any act or failure to act by~~ with just  
32 cause and upon a finding by a preponderance of the evidence  
33 that an act or failure to act by the employee that is in  
34 contravention violation of law, city policies, or standard  
35 operating procedures, or that in the judgment of the person

1 ~~having the appointing power as provided in this chapter, or the~~  
2 ~~chief of police or chief of the fire department, is sufficient~~  
3 ~~to show that the employee is unsuitable or unfit for employment~~  
4 ~~rules, or that the employee is physically or mentally unfit~~  
5 ~~as determined under guidelines established pursuant to section~~  
6 ~~400.8A. This subsection shall not be construed to modify the~~  
7 ~~rights, requirements, or procedures provided in section 400.8A or~~  
8 ~~other rights, requirements, or procedures provided by law.~~

9 3. The city shall have the burden to prove that the act or  
10 failure to act by the employee was in contravention violation  
11 of law, city policies, or ~~standard operating procedures, or is~~  
12 ~~sufficient to show that the employee is unsuitable or unfit~~  
13 ~~for employment department rules. For purposes of this chapter,~~  
14 ~~the city shall establish each element of the charges specified~~  
15 ~~under section 400.22 by a preponderance of the evidence. The~~  
16 ~~city shall have the burden to prove that the punishment imposed~~  
17 ~~upon the employee is proportionate, reasonable, and just in~~  
18 ~~the totality of the circumstances under the factors provided in~~  
19 ~~section 400.27, subsection 1, paragraph "b".~~

20 Sec. 4. Section 400.19, Code 2025, is amended to read as  
21 follows:

22 **400.19 Removal, discharge, demotion, or suspension of**  
23 **subordinates.**

24 The person having the appointing power as provided in this  
25 chapter, or the chief of police or chief of the fire department,  
26 may, upon presentation of reasonable and just grounds for such  
27 action to the subordinate in writing, peremptorily remove,  
28 discharge, demote, or suspend a subordinate then under the  
29 person's or chief's direction due to any act or failure to  
30 act by the employee that is in contravention violation of law,  
31 city policies, or ~~standard operating procedures, or that in~~  
32 ~~the judgment of the person or chief department rules, or is~~  
33 ~~sufficient deemed reasonably anticipated to be detrimental to~~  
34 ~~show that the employee is unsuitable or unfit for employment~~  
35 ~~public. This section shall not be construed to modify the~~

1 rights, requirements, or procedures provided in section 400.8A or  
2 other rights, requirements, or procedures provided by law.

3 Sec. 5. NEW SECTION. 400.22A Exculpatory evidence.

4 A person shall not knowingly withhold exculpatory evidence  
5 from an employee subject to a written specification of charges  
6 filed under section 400.22.

7 Sec. 6. Section 400.23, Code 2025, is amended to read as  
8 follows:

9 **400.23 Time and place of hearing.**

10 Within ten days after such specifications are filed, the  
11 commission shall fix the time for a hearing, which shall be not  
12 less than five nor more than twenty days thereafter, and the  
13 place for hearing the appeal and. The commission shall notify  
14 the parties in writing of the time and place so fixed, and the  
15 notice shall contain a copy of the specifications so filed.  
16 Hearings under this section shall be held during normal city  
17 business hours unless otherwise agreed to by the parties and  
18 the commission. The commission in its discretion may grant a  
19 continuance or stay of a hearing upon request.

20 Sec. 7. Section 400.24, Code 2025, is amended to read as  
21 follows:

22 **400.24 Oaths — books and papers — procedures.**

23 1. The presiding officer of the commission or the council,  
24 as the case may be, shall have power to administer oaths in the  
25 same manner and with like effect and under the same penalties  
26 as in the case of magistrates exercising criminal or civil  
27 jurisdiction.

28 2. The council or commission shall cause subpoenas to be  
29 issued for such witnesses and the production of such books and  
30 papers as either party may designate. Issuance of subpoenas  
31 shall be consistent with the Iowa rules of civil procedure. The  
32 subpoenas shall be signed by the chairperson of the commission or  
33 mayor, as the case may be, or by an attorney representing a party  
34 before the commission. The council or commission shall provide  
35 a copy of each subpoena to both parties upon issuance. A party,

1 or an attorney representing a party, shall provide copies of any  
2 material produced in response to a subpoena to the opposing party  
3 upon receipt of such material.

4 3. The parties shall have the right to engage in discovery  
5 including the filing of interrogatories, requests for production  
6 of documents, and the taking of depositions. The commission  
7 shall hear and render rulings on any discovery disputes  
8 consistent with the Iowa rules of civil procedure.

9 Sec. 8. Section 400.26, Code 2025, is amended to read as  
10 follows:

11 **400.26 Public trial.**

12 The trial of all appeals shall be public, and the parties  
13 may be represented by counsel or by the parties' authorized  
14 collective bargaining representative. However, upon the request  
15 of the employee, the deliberations of the commission in a city  
16 with a population of less than two hundred thousand shall be held  
17 in closed session.

18 Sec. 9. Section 400.27, subsections 1, 2, and 3, Code 2025,  
19 are amended to read as follows:

20 1. a. The civil service commission has jurisdiction to hear  
21 and determine matters involving the rights of civil service  
22 employees under this chapter, and may affirm, modify, or reverse  
23 any case on its merits.

24 b. If the commission determines that the city proved the  
25 employee committed the charge as specified, the commission  
26 shall determine whether the removal, discharge, demotion, or  
27 suspension of the employee was with just cause based upon  
28 the totality of the circumstances. For the purposes of this  
29 subsection, the commission shall consider factors including  
30 the nature of the conduct at issue in the circumstances, the  
31 proportionality of the punishment to the conduct at issue,  
32 the employee's work history, whether the employee reasonably  
33 could comply with the policy or rule in the circumstances and  
34 whether the employee's conduct was objectively reasonable in  
35 the circumstances, the employee's defenses or justifications,

1 any mitigating or aggravating factors, whether the punishment  
2 is reasonably calculated to correct the employee's behavior or  
3 conduct, if the punishment is necessary to protect the public  
4 interest, whether the city, its employees, or the appointing  
5 authority acted in accordance with the law, city policies,  
6 department rules, or standard operating procedures, or if the  
7 policy failed in the circumstances. The commission shall only  
8 consider, order, or impose discipline upon the employee for  
9 charges proven by the city.

10 c. The commission shall reverse the city's decision and  
11 dismiss a specific charge with prejudice if the city fails to  
12 meet its burden of proof as to that charge.

13 d. The final decision of the commission shall be based upon  
14 a majority vote of the commission, shall be made in writing, and  
15 shall include findings of fact and conclusions relied upon, and  
16 reasoning or rationale for the decision, separately stated. The  
17 commission shall render and serve its final decision upon the  
18 parties by certified mail within thirty days of the close of the  
19 record or trial unless the parties consent to a later date in  
20 writing or on the record. The final decision may be served upon  
21 an employee by electronic mail with the consent of the employee.

22 2. a. The Except as otherwise provided in this section,  
23 the city attorney or solicitor shall be the attorney for the  
24 commission or when requested by the commission shall present  
25 matters concerning civil service employees to the commission,  
26 except the commission may hire a counselor or an attorney on  
27 a per diem basis to represent it when in the opinion of the  
28 commission there is a conflict of interest between the commission  
29 and the city council. The counselor or attorney hired by the  
30 commission shall not be the city attorney or solicitor. The city  
31 shall pay the costs incurred by the commission in employing an  
32 attorney under this section.

33 b. Upon the filing of a notice of appeal pursuant to section  
34 400.21, a city attorney, assistant city attorney, or solicitor  
35 who represents or has represented the commission shall not

1 represent the city or its officers or employees in an appeal  
2 pending before the commission unless the employee waives the  
3 conflict of interest in writing or on the record. If the  
4 commission is required to hire a counselor or attorney that  
5 is not a city attorney, assistant city attorney, or solicitor  
6 as provided in this subsection, the city shall pay the costs  
7 incurred by the commission in employing a counselor or attorney  
8 under this section, and the commission shall independently seek  
9 and retain such an attorney.

10 c. A counselor or attorney who represents the commission in  
11 an appeal before the commission shall be fair and impartial  
12 toward the parties. The counselor or attorney representing the  
13 commission may provide advice and counsel to the commission on  
14 matters before it and assist the commission with its proceedings  
15 and trial as may be necessary or requested.

16 3. The city or any civil service employee shall have a right  
17 to appeal to the district court from the final ruling or decision  
18 of the civil service commission. The appeal shall be taken  
19 within thirty days from the filing service of the formal decision  
20 of the commission. The district court of the county in which the  
21 city is located shall have full jurisdiction of the appeal. The  
22 scope of review for the appeal shall be ~~limited to a trial de~~  
23 ~~novo appellate review without a trial or additional evidence.~~

24 Sec. 10. Section 400.27, Code 2025, is amended by adding the  
25 following new subsections:

26 NEW SUBSECTION. 2A. The commission shall provide for the  
27 production of evidence and exchange of exhibits in advance of  
28 trial. The city shall mark its exhibits with numbers. The  
29 employee shall mark its exhibits with letters.

30 NEW SUBSECTION. 6. In addition to any other remedies and  
31 relief, upon application, the district court may award an  
32 employee who substantially prevails reasonable attorney fees,  
33 expert fees, and costs and expenses. The city civil service  
34 employee shall bear the burden to prove that the employee  
35 substantially prevailed in the judgment.

