

Senate File 311 - Reprinted

SENATE FILE 311
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO SSB 1010)

(As Amended and Passed by the Senate March 17, 2025)

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
7 other entity for the purpose of citizen review of the conduct of
8 officers as defined under section 80F.1, subsection 1, paragraph
9 "f".

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

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

27 Sec. 3. Section 400.12A, subsection 3, Code 2025, is amended
28 by adding the following new paragraph:

29 NEW PARAGRAPH. c. This section shall not be construed to
30 change the maximum number of persons on the hiring list
31 referenced in section 400.11, subsection 1, paragraph "a", for a
32 position to be filled to be greater than forty.

33 Sec. 4. Section 400.18, subsections 1 and 3, Code 2025, are
34 amended to read as follows:

35 1. A person holding civil service rights as provided in

1 this chapter shall ~~not~~ only be removed, discharged, demoted, or
2 suspended arbitrarily, ~~but may be removed, discharged, demoted,~~
3 ~~or suspended due to any act or failure to act by with just~~
4 cause and upon a finding by a preponderance of the evidence
5 that an act or failure to act by the employee that is in
6 contravention violation of law, city policies, or standard
7 operating procedures, or that in the judgment of the person
8 having the appointing power as provided in this chapter, or the
9 chief of police or chief of the fire department, is sufficient
10 to show that the employee is unsuitable or unfit for employment
11 rules, or that the employee is physically or mentally unfit
12 as determined under guidelines established pursuant to section
13 400.8A. This subsection shall not be construed to modify the
14 rights, requirements, or procedures provided in section 400.8A or
15 other rights, requirements, or procedures provided by law.

16 3. The city shall have the burden to prove that the act or
17 failure to act by the employee was in contravention violation
18 of law, city policies, or standard operating procedures, or is
19 sufficient to show that the employee is unsuitable or unfit for
20 employment department rules not in conflict with any collective
21 bargaining agreement or law. For purposes of this chapter,
22 the city shall establish each element of the charges specified
23 under section 400.22 by a preponderance of the evidence. The
24 city shall have the burden to prove that the punishment imposed
25 upon the employee is proportionate, reasonable, and just in
26 the totality of the circumstances under the factors provided in
27 section 400.27, subsection 1, paragraph "b".

28 Sec. 5. Section 400.19, Code 2025, is amended to read as
29 follows:

30 **400.19 Removal Peremptory removal, discharge, demotion, or**
31 **suspension of subordinates.**

32 The person having the appointing power as provided in this
33 chapter, or the chief of police or chief of the fire department,
34 may, upon presentation of reasonable and just grounds for such
35 action to the subordinate in writing, peremptorily remove,

1 discharge, demote, or suspend a subordinate then under the
2 person's or chief's direction due to any act or failure to
3 act by the employee that is in ~~contravention~~ violation of law,
4 city policies, or ~~standard operating procedures, or that in~~
5 ~~the judgment of the person or chief~~ department rules, and is
6 sufficient deemed reasonably anticipated to be detrimental to
7 ~~show that the employee is unsuitable or unfit for employment~~
8 public. This section shall not be construed to modify the
9 rights, requirements, or procedures provided in section 400.8A or
10 other rights, requirements, or procedures provided by law.

11 Sec. 6. NEW SECTION. **400.22A Exculpatory evidence.**

12 A person shall not knowingly withhold exculpatory evidence
13 from an employee subject to a written specification of charges
14 filed under section 400.22.

15 Sec. 7. Section 400.23, Code 2025, is amended to read as
16 follows:

17 **400.23 Time and place of hearing.**

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

28 Sec. 8. Section 400.24, Code 2025, is amended to read as
29 follows:

30 **400.24 Oaths — books and papers — procedures.**

31 1. The presiding officer of the commission or the council,
32 as the case may be, shall have power to administer oaths in the
33 same manner and with like effect and under the same penalties
34 as in the case of magistrates exercising criminal or civil
35 jurisdiction.

1 2. The council or commission shall cause subpoenas to be
2 issued for such witnesses and the production of such books and
3 papers as either party may designate. Issuance of subpoenas
4 shall be consistent with the Iowa rules of civil procedure. The
5 subpoenas shall be signed by the chairperson of the commission or
6 mayor, as the case may be, or by an attorney representing a party
7 before the commission. The council or commission shall provide
8 a copy of each subpoena to both parties upon issuance. A party,
9 or an attorney representing a party, shall provide copies of any
10 material produced in response to a subpoena to the opposing party
11 upon receipt of such material.

12 3. Those employees who are defined as an "officer" under
13 section 80F.1, subsection 1, paragraph "f", shall have the
14 right to request documents, records, and any other evidence
15 in the possession of the appointing authority relevant to the
16 determination of cause and proportionality of discipline not
17 otherwise in violation of chapter 80F.

18 Sec. 9. Section 400.26, Code 2025, is amended to read as
19 follows:

20 **400.26 Public trial.**

21 The trial of all appeals shall be public, and the parties
22 may be represented by counsel or by the parties' authorized
23 collective bargaining representative. However, upon the request
24 of the employee, the deliberations of the commission in a city
25 with a population of less than two hundred thousand shall be held
26 in closed session.

27 Sec. 10. Section 400.27, subsections 1, 2, and 3, Code 2025,
28 are amended to read as follows:

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

33 b. If the commission determines that the city proved the
34 employee committed the charge as specified, the commission
35 shall determine whether the removal, discharge, demotion, or

1 suspension of the employee was with just cause based upon
2 the totality of the circumstances. For the purposes of this
3 subsection, the commission shall consider factors including
4 the nature of the conduct at issue in the circumstances, the
5 proportionality of the punishment to the conduct at issue,
6 the employee's work history, whether the employee reasonably
7 could comply with the policy or rule in the circumstances and
8 whether the employee's conduct was objectively reasonable in
9 the circumstances, the employee's defenses or justifications,
10 any mitigating or aggravating factors, whether the punishment
11 is reasonably calculated to correct the employee's behavior or
12 conduct, if the punishment is necessary to protect the public
13 interest, whether the city, its employees, or the appointing
14 authority acted in accordance with the law, city policies,
15 department rules, or standard operating procedures, or if the
16 policy failed in the circumstances. The commission shall only
17 consider, order, or impose discipline upon the employee for
18 charges proven by the city.

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

22 d. The final decision of the commission shall be based upon
23 a majority vote of the commission, shall be made in writing, and
24 shall include findings of fact and conclusions relied upon, and
25 reasoning or rationale for the decision, separately stated. The
26 commission shall render and serve its final decision upon the
27 parties by certified mail within thirty days of the close of the
28 record or trial unless the parties consent to a later date in
29 writing or on the record. The final decision may be served upon
30 an employee by electronic mail with the consent of the employee.

31 2. a. The Except as otherwise provided in this section,
32 the city attorney or solicitor shall be the attorney for the
33 commission or when requested by the commission shall present
34 matters concerning civil service employees to the commission,
35 except the commission may hire a counselor or an attorney on

1 a per diem basis to represent it when in the opinion of the
2 commission there is a conflict of interest between the commission
3 and the city council. The counselor or attorney hired by the
4 commission shall not be the city attorney or solicitor. ~~The city~~
5 ~~shall pay the costs incurred by the commission in employing an~~
6 ~~attorney under this section.~~

7 b. Upon the filing of a notice of appeal pursuant to section
8 400.21, a city attorney, assistant city attorney, or solicitor
9 who represents or has represented the commission shall not
10 represent the city or its officers or employees in an appeal
11 pending before the commission unless the employee waives the
12 conflict of interest in writing or on the record. If the
13 commission is required to hire a counselor or attorney that
14 is not a city attorney, assistant city attorney, or solicitor
15 as provided in this subsection, the city shall pay the costs
16 incurred by the commission in employing a counselor or attorney
17 under this section, and the commission shall independently seek
18 and retain such an attorney.

19 c. A counselor or attorney who represents the commission in
20 an appeal before the commission shall be fair and impartial
21 toward the parties. The counselor or attorney representing the
22 commission may provide advice and counsel to the commission on
23 matters before it and assist the commission with its proceedings
24 and trial as may be necessary or requested.

25 3. The city or any civil service employee shall have a right
26 to appeal to the district court from the final ruling or decision
27 of the civil service commission. The appeal shall be taken
28 within thirty days from the filing service of the formal decision
29 of the commission. The district court of the county in which the
30 city is located shall have full jurisdiction of the appeal. The
31 scope of review for the appeal shall be ~~limited to a trial de~~
32 ~~novo appellate review without a trial or additional evidence.~~

33 Sec. 11. Section 400.27, Code 2025, is amended by adding the
34 following new subsections:

35 NEW SUBSECTION. 2A. The commission shall provide for the

1 production of evidence and exchange of exhibits in advance of
2 trial. The city shall mark its exhibits with numbers. The
3 employee shall mark its exhibits with letters.

4 NEW SUBSECTION. 6. In addition to any other remedies and
5 relief, upon application, the district court may award reasonable
6 attorney fees, expert fees, and costs to those employees who
7 are defined as an "officer" under section 80F.1, subsection 1,
8 paragraph "f", and only when such employee meets any of the
9 following criteria:

10 a. The employee is fully reinstated from a termination
11 without discipline imposed.

12 b. The employee's suspension has been reduced by over fifty
13 percent.

14 c. The employee's demotion was reversed.

15 Sec. 12. EFFECTIVE DATE. This Act takes effect August 16,
16 2025.