HOUSE FILE 717
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 212)

(As Amended and Passed by the House February 25, 2020)

[= New Language by the House

* = Language Stricken by the House

A BILL FOR

An Act concerning appeal rights relating to veterans preference.

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

Section 1. Section 35C.3, Code [2020], is amended to read as follows:

35C.3 Duty to investigate and appoint.

When any preferred person applies for appointment or employment under this chapter, the officer, board, or person whose duty it is or may be to appoint or employ a person to fill the position or place shall, before appointing or employing a person to fill the position or place, make an investigation as to the qualifications of the applicant for the place or position, and if the applicant is of good moral character and can perform the duties of the position applied for, the officer, board, or person shall appoint the applicant to the position, place, or employment. The appointing officer, board, or person shall set forth in writing and file for public inspection the specific grounds upon which it appointed or refused to appoint the person. At the time of application or at an interview for the position, an applicant may request notification of refusal only or notification of refusal and the specific grounds for refusal. The notification shall be sent within ten days after the successful applicant is selected and shall include information on the right of an unsuccessful applicant to maintain an action for mandamus under section 35C.4, or file an appeal and the time to file an appeal under section 35C.5.

Sec. 2. Section 35C.4, Code [2020], is amended to read as follows:

35C.4 Mandamus — judicial review.

A refusal to allow said preference, or a reduction of the salary for said position with intent to bring about the resignation or discharge of the incumbent, shall entitle the applicant or incumbent, as the case may be, to maintain an action of mandamus to right the wrong. At their election such parties may, in the alternative, maintain an action for judicial review in accordance with the terms of the Iowa administrative procedure Act, chapter 17A, if that is otherwise

applicable to their case. An action of mandamus shall be filed by an applicant or incumbent within three hundred days after a refusal to allow said preference, or a reduction of the salary for said position with intent to bring about the resignation or discharge of the incumbent.

Sec. 3. Section 35C.6, Code [2020], is amended to read as follows:

35C.6 Removal — certiorari — judicial review.

No person holding a public position by appointment or employment, and belonging to any of the classes of persons to whom a preference is granted under this chapter, shall be removed from such position or employment except for incompetency or misconduct shown after a hearing, upon due notice, upon stated charges, and with the right of such employee or appointee to a review by a writ of certiorari or at such person's election, to judicial review in accordance with the terms of the Iowa administrative procedure Act, chapter 17A, if that is otherwise applicable to their case. Upon removal from such position or employment, the person shall be provided written notification of the right of such employee or appointee to a review by a writ of certiorari or judicial review. A review by a writ of certiorari shall be filed within three hundred days of the removal of the employee or appointee.