

## CHAPTER 54.

## CITIES UNDER COMMISSION PLAN OF GOVERNMENT.

## H. F. 333.

AN ACT to amend section eight (8) chapter sixty-four (64), acts of the thirty-third general assembly, and to repeal sub-divisions b, c and d of section one thousand fifty-six-a-thirty-two (1056-a-32) of the supplement to the code, 1907 and enact a substitute therefor, relating to the government of certain cities.

*Be it Enacted by the General Assembly of the State of Iowa:*

**SECTION 1. Appointment of officers.** Section eight, chapter sixty-four of the acts of the thirty-third general assembly be, and hereby is, amended by striking from line sixteen the words and language, to-wit: "chief of the fire department".

**SEC. 2. Repeal—civil service commission—examinations—results certified—soldiers and sailors to have preference.** Sub-divisions b, c, and d of section one thousand fifty-six-a-32 of the supplement to the code, 1907 be, and hereby are, repealed and the following enacted as a substitute therefor:

"Such commission shall, on the first Monday of April and October of each year, or oftener if they shall deem it necessary, under such rules and regulations as it may prescribe, hold examinations for the purpose of determining the qualifications of applicants for positions, including applicants for position of chief of the fire department, and for positions in the fire and police department, which examinations shall be practical in their character and shall relate to such matters as will fairly test the fitness of the person examined to discharge the duties of the position to which he seeks to be appointed. Such commission shall, as soon as possible after every such examination, certify to the city council the names of ten persons for each department who, according to its records, have the highest standing for the positions they seek to fill, as a result of such examination, and all vacancies in positions under civil service which shall occur before the holding of the next examination shall be filled from said list so certified; provided, however, if the list for any cause shall be reduced to less than three for any division or department, then the superintendent of the proper department may temporarily fill a vacancy until the next examination of the commission. In all examinations and appointments under the provisions of this act, honorably discharged soldiers, sailors or marines of the regular or volunteer army or navy of the United States shall be given a preference if otherwise qualified.

"**SEC. 3. Removals and discharges—appeal—hearing—witnesses—annual report—rules and regulations.** All persons subject to such civil service examination shall be subject to removal from office or employment by majority vote of such civil service commission for misconduct or failure to properly perform their duties under such rules and regulations as may be adopted by the council. The chief of police, the chief of the fire department, or any superintendent or foreman in charge of municipal work, may peremptorily suspend or discharge any subordinate then under his direction for neglect of duty, disobedience of orders or misconduct, but shall, within twenty-four hours thereafter, report such suspension or discharge, with the reason therefor, to the superintendent of his department, who shall thereupon affirm or revoke such suspension or discharge according to the merits under the facts in the case. Every officer or employe so suspended or discharged and whose suspension or discharge has been affirmed, or the officer or person so suspending or discharging a subordinate when such suspension or discharge has been revoked, as the case may be, may, within five days from the affirmance or

revocation of any such suspension or discharge, appeal therefrom to the civil service commission, if the person taking the appeal was subject to such civil service, otherwise to the city council, and such commission or council, as the case may be, shall fully hear and determine the appeal upon the merits of the case, and if it be determined that any such suspension or discharge was unwarranted the appellant shall be reinstated, otherwise it shall be affirmed. Any such appeal may be taken by serving upon the proper department superintendent or his secretary or clerk a notice in writing, within said time, specifying the ruling appealed from, which notice shall be signed by the person taking the appeal. A true copy of such notice of appeal shall be filed with the chairman of the civil service commission or mayor, as the case may be. Within five days from the service of such notice of appeal, the proper department superintendent shall file with the civil service commission, or city council, as the case may be, a written specification of the charges or grounds upon which the affirmance or revocation of the suspension or discharge appealed from was based. Within five days after such specifications are filed as aforesaid the commission or council, as the case may be, shall fix the time and place for hearing the appeal and notify the appellant in writing of the time and place so fixed, which notice shall contain a copy of the specifications so filed. The time for hearing any such appeal shall not be fixed earlier than five days nor later than twenty days from the filing of such specifications. The council and commission shall have the power to enforce the attendance of witnesses, the production of books and papers, and to administer oaths in the same manner and with like effect, and under same penalties, as in the case of magistrates exercising criminal or civil jurisdiction under the statutes of Iowa. The hearings on such appeals shall be public and appellant may be represented by counsel. The council or commission, as the case may be, shall issue subpoenas for such witnesses as appellant may designate, which shall be signed by the mayor or chairman of the commission, as the case may be. Such commission shall make annual report to the council and it may require a special report from such commission at any time. Such commission may prescribe such rules and regulations for the proper conduct of its business as shall be found expedient and advisable.

**“SEC. 4. Commission to appoint chief of fire department—qualifications of employees.** Such commission shall appoint a chief of the fire department, but the tenure of any person holding such position at this time shall not be affected by this section; provided, however, that such officer may be removed for cause in accordance with the provisions of the next preceding section. No person shall be employed in any capacity in the fire or police department unless he is a citizen of the United States and has been a resident of such city more than one year and is of good moral character and can read and write the English language and is not addicted to the use of intoxicating liquors as a beverage. Nothing in this act shall be construed as limiting the powers conferred upon the city council and its members in section one thousand fifty-six-a25 of the supplement to the code, 1907.

**“SEC. 5. Political contributions—penalty.** No member of the fire or police department in any such city shall directly or indirectly contribute any money or anything of value to any candidate for nomination or election to any office or to any campaign or political committee. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall pay a fine of not less than twenty-five dollars nor more than one hundred dollars, or be imprisoned in the county jail not to exceed thirty days.”

Approved April 13, A. D. 1911.