

15 from fifty thousand to eighty thousand population, ninety dollars; from  
 16 eighty thousand to one hundred thousand population, one hundred  
 17 dollars; and for all over one hundred thousand population, one hundred  
 18 fifty dollars. In addition they may pay, out of the general fund, the  
 19 actual expenses of delegates to the annual convention of the league as  
 20 follows, less than two thousand population, two delegates; from two  
 21 thousand to five thousand population, three delegates; from five thou-  
 22 sand to twenty thousand population, four delegates; over twenty thou-  
 23 sand population, five delegates.

1 SEC. 2. In no event shall the expense of such delegates exceed five  
 2 cents a mile, under the limitations now provided by law, and five dol-  
 3 lars a day for actual days in attendance and going to and returning  
 4 from such meeting.

House File 184. Approved May 1, 1937.

## CHAPTER 156

### CIVIL SERVICE

#### H. F. 51

AN ACT to amend chapter two-hundred eighty-nine (289), code, 1935, by adding new sections and to amend sections five thousand six hundred eighty-nine (5689), five thousand six hundred ninety-three (5693), five thousand seven hundred one (5701), five thousand seven hundred three (5703), five thousand seven hundred five (5705), five thousand seven hundred seven (5707), five thousand seven hundred thirteen (5713), code, 1935; to repeal sections five thousand six hundred ninety-one (5691), five thousand six hundred ninety-two (5692), five thousand six hundred ninety-four (5694), five thousand six hundred ninety-five (5695), five thousand six hundred ninety-six (5696), five thousand six hundred ninety-six-d one (5696-d1), five thousand six hundred ninety-eight (5698), five thousand six hundred ninety-nine (5699), five thousand seven hundred two (5702), five thousand seven hundred four (5704), five thousand seven hundred eleven (5711), and five thousand seven hundred twelve (5712), code, 1935, and to enact substitutes therefor and to repeal section five thousand seven hundred twelve-d-one (5712-d1), code, 1935; all relating to civil service employees of cities, including those operating under special charter.

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

1 SECTION 1. That section five thousand six hundred eighty-nine  
 2 (5689), code, 1935, is hereby amended by inserting after the word  
 3 "department" in line three (3) thereof the words "or a paid police  
 4 department".

1 SEC. 2. That section five thousand six hundred ninety-one (5691),  
 2 code, 1935, is hereby repealed and the following enacted in lieu thereof:  
 3 "5691. **Optional appointment of commission.** In cities having a  
 4 population of less than 8,000, the city council may, by ordinance, adopt  
 5 the provisions of this chapter in which case it shall either appoint  
 6 such commission or provide, by ordinance, for the exercise of the  
 7 powers and performance of the duties of the commission by the coun-  
 8 cil. Where the city council exercises the powers of the commission  
 9 the term "*commission*" as used in this chapter shall mean the city  
 10 council."

1 SEC. 3. That section five thousand six hundred ninety-two (5692),  
 2 code, 1935, is hereby repealed and the following enacted in lieu thereof:

3 "5692. **Chairman—clerk—records.** The chairman of the commis-  
4 sion for each biennial period shall be the member whose term first  
5 expires. In cities having a population of more than 75,000 the com-  
6 mission shall appoint an employee in the city clerk's office who is  
7 employed under the provisions of this chapter to be clerk of the com-  
8 mission and his duties as such clerk shall have precedence over any  
9 additional duties of his regular employment. In all other cities the  
10 city clerk shall be clerk of the commission.

11 "The civil service commission shall keep a record of all its meetings  
12 and also a complete individual service record of each civil service  
13 employee which record shall be permanent and kept up to date.

14 "When duly certified by the clerk of the commission copies of all  
15 records and entries or papers pertaining to said record shall be admis-  
16 sible in evidence with the same force and effect as the originals."

1 SEC. 4. That section five thousand six hundred ninety-three (5693),  
2 code, 1935, is hereby amended by adding after the word "equipment"  
3 in line four (4) the words "and a qualified shorthand reporter".

1 SEC. 5. That section five thousand six hundred ninety-four (5694),  
2 code, 1935, is hereby repealed and the following enacted in lieu thereof:

3 "5694. **Applicability—exceptions.** The provisions of this chapter  
4 shall apply to all appointive officers and employees, including deputy  
5 clerks and deputy bailiffs of the municipal court, in cities under any  
6 form of government having a population of more than fifteen thousand  
7 except:

8 "1. City clerk, city solicitor, assistant solicitor, assessor, treasurer,  
9 auditor, civil engineer, health physician, chief of police, market master.

10 "2. Laborers whose occupation requires no special skill or fitness.

11 "3. Election officials.

12 "4. Secretary to the mayor or to any commissioner.

13 "5. Commissioners of any kind.

14 "6. Casual employees.

15 "In all other cities under any form of government, the provisions  
16 of this chapter shall apply only to members of the police and fire de-  
17 partments, except the following persons connected with such depart-  
18 ments:

19 "1. Chiefs of police.

20 "2. Janitors, clerks, stenographers, secretaries.

21 "3. Casual employees."

1 SEC. 6. That section five thousand six hundred ninety-five (5695),  
2 code, 1935, is hereby repealed and the following enacted in lieu thereof:

3 "5695. **Preference by service.** Any person regularly serving in  
4 or holding any position in the police or fire department, or a non-super-  
5 visory position in any other department, which is within the scope  
6 of this chapter on the date this act becomes effective in any city, who  
7 has then five years of service in a position or positions within the scope  
8 of this chapter, shall retain his position and have full civil service  
9 rights therein.

10 "Persons in non-supervisory positions, appointed without competi-  
11 tive examination, who have served less than five years in such position  
12 or positions on said date, shall submit to examination by the commis-  
13 sion and if successful in passing such examination they shall retain  
14 their positions in preference to all other applicants and shall have

15 full civil service rights therein, but if they fail to pass such examina-  
16 tion they shall be replaced by successful applicants.

17 "Provided, that persons who have heretofore been certified by the  
18 commission as eligible for appointment to any position in which they  
19 are regularly serving on said date, and persons regularly serving on  
20 said date in any position with civil service rights by reason of long  
21 and efficient service rendered prior to October, 1924, shall retain such  
22 position and shall have full civil service rights therein without further  
23 examination. Other persons regularly serving in supervisory posi-  
24 tions in departments other than police or fire on the date this act be-  
25 comes effective shall be eligible for appointment to said positions after  
26 qualifying in competitive examination.

27 "Provided, further, however, that nothing in this section shall apply  
28 to any persons temporarily acting in a position regularly held by an-  
29 other, or in a vacancy, except to establish his rights in his own regular  
30 position."

1 SEC. 7. That section five thousand six hundred ninety-six (5696),  
2 code, 1935, is hereby repealed and the following enacted in lieu thereof:

3 "5696. **Original entrance examination—appointments.** The commis-  
4 sion shall, during the month of April of each year, and at such other  
5 times as shall be found necessary under such rules, including minimum  
6 and maximum age limits, as shall be prescribed and published in ad-  
7 vance by the commission and posted in the city hall, hold examinations  
8 for the purpose of determining the qualifications of applicants for  
9 positions under civil service, other than promotions, which examina-  
10 tions shall be practical in character and shall relate to such matters  
11 as will fairly test the mental and physical ability of the applicant  
12 to discharge the duties of the position to which he seeks appointment.  
13 Provided, however, that such physical examination of applicants for  
14 appointment to the positions of policeman, police-woman, police-matron  
15 or fireman shall be held under the direction of and as specified by the  
16 boards of trustees of the fire or police retirement systems established  
17 by chapter 75, section five (5), laws of the Forty-fifth General Assem-  
18 bly, Extraordinary Session.

19 "All appointments to such positions shall be conditional upon a  
20 probation period of not to exceed six (6) months, during which time  
21 the appointee may be removed or discharged from such position by  
22 the appointing person or body without the right of appeal to the com-  
23 mission. Continuance in the position after the expiration of such  
24 probationary period shall constitute a permanent appointment."

1 SEC. 8. That section five thousand six hundred ninety-six-d1 (5696-  
2 d1), code, 1935, is hereby repealed and the following enacted in lieu  
3 thereof:

4 "5696-d1. **Promotional examinations—promotions.** The commis-  
5 sion shall, during the month of April of each second year, and at such  
6 other times as shall be found necessary, under such rules as shall be  
7 prescribed and published in advance by the commission, and posted  
8 in the city hall, hold competitive promotional examinations for the  
9 purpose of determining the qualifications of applicants for promotion  
10 to a higher grade under civil service, which examinations shall be  
11 practical in character, and shall relate to such matters as will fairly

12 test the ability of the applicant to discharge the duties of the position  
13 to which he seeks promotion.

14 "Hereafter, all vacancies in the civil service grades above the lowest  
15 in each department shall be filled by promotion of subordinates when  
16 such subordinates qualify as eligible, and when so promoted, they shall  
17 hold such position with full civil service rights therein."

1 SEC. 9. That section five thousand six hundred ninety-eight (5698),  
2 code, 1935, is hereby repealed and the following enacted in lieu thereof:  
3 "5698. **Names certified—temporary appointment.** The commis-  
4 sion shall, within ninety (90) days after the beginning of each com-  
5 petitive examination for original appointment or for promotion, cer-  
6 tify to the city council a list of the names of the ten persons who  
7 qualify with the highest standing as a result of each examination  
8 for the position they seek to fill, or such number as may have qualified  
9 if less than ten, in the order of their standing, and all newly created  
10 offices or other vacancies in positions under civil service which shall  
11 occur before the beginning of the next examination for such positions  
12 shall be filled from said lists, or from the preferred list existing as  
13 provided for in case of diminution of employees, within thirty (30)  
14 days. Preference for temporary service in civil service positions shall  
15 be given those on such lists.

16 "Except where such preferred list exists, persons on the certified  
17 eligible list for promotion shall hold preference for promotion until  
18 the beginning of a new examination, but in no case shall such prefer-  
19 ence continue longer than two years following the date of certification,  
20 after which said lists shall be cancelled and no promotion to such  
21 grade shall be made until a new list has been certified eligible for  
22 promotion.

23 "When there is no such preferred list or certified eligible list, or  
24 when the eligible list shall be exhausted, the person or body having  
25 the appointing power may temporarily fill a newly created office or  
26 other vacancy only until an examination can be held and the names  
27 of qualified persons be certified by the commission, and such temporary  
28 appointments are hereby limited to ninety (90) days for any one per-  
29 son in the same vacancy, but such limitation shall not apply to persons  
30 temporarily acting in positions regularly held by another. Any person  
31 temporarily filling a vacancy in a position of higher grade for twenty  
32 (20) days or more, shall receive the salary paid in such higher grade."

1 SEC. 10. That chapter two hundred eighty-nine (289), code, 1935,  
2 be and the same is hereby amended by adding thereto the following  
3 section:

4 "5698-h1. **Seniority.** For the purpose of determining the seniority  
5 rights of civil service employees, seniority shall be computed, begin-  
6 ning with the date of appointment to or employment in any positions  
7 for which they were certified or otherwise qualified and established as  
8 provided in this chapter, but shall not include any period of time ex-  
9 ceeding sixty (60) days in any one year during which they were absent  
10 from the service except for disability.

11 "In the event that a civil service employee has more than one classi-  
12 fication or grade, the length of his seniority rights shall date in the  
13 respective classifications or grades from and after the time he was  
14 appointed to or began his employment in each classification or grade.

15 In the event that an employee has been promoted from one classifica-  
16 tion or grade to another, his civil service seniority rights shall be  
17 continuous in any department grade or classification that he formerly  
18 held.

19 "A list of all civil service employees shall be prepared and posted in  
20 the city hall by the civil service commission on or before July 1st of  
21 each year, indicating the civil service standing of each employee as to  
22 his seniority.

1 SEC. 11. That section five thousand six hundred ninety-nine (5699),  
2 code, 1935, be and the same is hereby repealed and the following enacted  
3 in lieu thereof:

4 "5699. **Chief of police and chief of fire department.** The chief of  
5 the fire department shall be appointed from the chief's civil service  
6 eligible list and shall hold full civil service rights as chief, and the chief  
7 of the police department shall be appointed from the active members  
8 of the department who hold civil service seniority rights as patrolmen  
9 and have had five years service in the department, but this shall not  
10 apply to any person holding the office of chief of police in any city on  
11 the date this act becomes effective in such city during his term of  
12 office as chief which may include successive reappointments thereto.  
13 Any such chief of police, having ten or more years service, shall be  
14 entitled to civil service rights as patrolman for the period of such  
15 service as chief with continuing seniority determined as provided in  
16 section 5698-h1 of this chapter.

17 "In cities under the commission plan of government the superintend-  
18 ent of public safety, with the approval of the city council, shall appoint  
19 the chief of the fire department and the chief of the police department.  
20 In cities under the city manager plan the city manager shall make  
21 such appointments, and in all other cities such appointments shall be  
22 made by the mayor."

1 SEC. 12. That chapter two hundred eighty-nine (289), code, 1935,  
2 is hereby amended by adding thereto the following section:

3 "5699-h1. **Appointing powers.** All appointments or promotions to  
4 positions within the scope of this chapter other than those of chief  
5 of police and chief of fire department shall be made:

6 "In cities under the commission form of government, by the super-  
7 intendants of the respective departments, with the approval of the  
8 city council; in cities under the city manager plan, by the city manager;  
9 in all other cities with the approval of the city council, and in the  
10 police and fire departments by the chiefs of the respective depart-  
11 ments; and in the case of deputy clerks or deputy bailiffs of the municip-  
12 al court, such appointments shall be made by the clerk or bailiff  
13 thereof, respectively.

14 "All such appointments or promotions shall promptly be reported  
15 to the clerk of the commission by the appointing officer."

1 SEC. 13. That section five thousand seven hundred one (5701),  
2 code, 1935, is hereby amended by striking from line twenty-five (25),  
3 the words "chief of police or".

1 SEC. 14. That section five thousand seven hundred two (5702)  
2 code, 1935, is hereby repealed and the following enacted in lieu thereof:

3 "5702. **Removal, demotion or suspension.** No person holding civil  
4 service rights as provided in this chapter shall be removed, demoted, or

5 suspended arbitrarily, except as otherwise provided in this chapter,  
6 but may be removed, demoted, or suspended after a hearing by a ma-  
7 jority vote of the civil service commission, for neglect of duty, dis-  
8 obedience, misconduct, or failure to properly perform his duties."

1 SEC. 15. That section five thousand seven hundred three (5703)  
2 code, 1935, is hereby amended by adding after the word "suspend"  
3 in line 4, the following: ", demote,"; by adding after the word "sus-  
4 pensions" in lines eight (8) and nine (9), the following: ", demot-  
5 tions,"; and by adding after the word "suspension" in lines 13, 14, 19,  
6 and 21, respectively, the following: ", demotion,". Also by striking  
7 from line six (6) of said section the following, "or,"; and adding after  
8 the word "misconduct" the following: "or failure to properly perform  
9 his duties". Also by adding after the word "discharge" in line 19  
10 the following: ", and a copy thereof shall promptly be given to the  
11 clerk of the commission".

1 SEC. 16. That section five thousand seven hundred four (5704),  
2 code, 1935, is hereby repealed and the following enacted in lieu thereof:  
3 "5704. **Appeal.** If there is an affirmance of the suspension, demot-  
4 tion or discharge of any person holding civil service rights, he may,  
5 within twenty days thereafter, appeal therefrom to the civil service  
6 commission. If the suspension, demotion, or discharge is not affirmed  
7 within five days the person who suspended, demoted, or discharged  
8 such officer or employee may in like manner appeal."

1 SEC. 17. That section five thousand seven hundred five (5705),  
2 code, 1935, is hereby amended by adding after the word "suspended"  
3 in lines 2 and 7, respectively, the following: ", demoted,". Also by  
4 adding after the word "suspension" in line six (6) thereof, the fol-  
5 lowing: ", demotion,". Also by striking the words "city clerk" in  
6 line five (5) of said section and substituting therefor the words "clerk  
7 of commission".

1 SEC. 18. That section five thousand seven hundred seven (5707),  
2 code, 1935, is hereby amended by striking the word "five" in line two  
3 (2) and substituting therefor the word "ten". Also by striking from  
4 line three (3) of said section the following: "or council, as the case  
5 may be,".

1 SEC. 19. That section five thousand seven hundred eleven (5711),  
2 code, 1935, is hereby repealed and the following enacted in lieu thereof:  
3 "5711. **Jurisdiction—attorney—decision.** The civil service commis-  
4 sion shall have jurisdiction to hear and determine all matters involving  
5 the rights of civil service employees, and may affirm, modify, or reverse  
6 any case on its merits.

7 "The city attorney or solicitor shall be the attorney for the commis-  
8 sion or when requested by the commission shall present any matters  
9 concerning civil service employees to the commission.

10 "If the appeal is taken by a suspended, demoted, or discharged em-  
11 ployee and reversed, he shall be reinstated as of the date of his sus-  
12 pension, demotion, or discharge, and shall be entitled to such compensa-  
13 tion as the body having jurisdiction may determine."

1 SEC. 20. That section five thousand seven hundred twelve (5712),  
2 code, 1935, is hereby repealed and the following enacted in lieu thereof:

3 "5712. **Employees diminished.** Whenever the public interests may  
4 require a diminution of employees in any classification or grade under  
5 civil service, the city council, by resolution and acting in good faith,  
6 and after notifying the commission of such action, may either:

7 "1. Abolish the office and remove the employee from his classifica-  
8 tion or grade thereunder, or

9 "2. Reduce the number of employees in any classification or grade  
10 by suspending the necessary number.

11 "In case it thus becomes necessary to so remove or suspend any  
12 such employees, the persons so removed or suspended shall be those  
13 having seniority of the shortest duration in the classifications or  
14 grades affected, and such seniority shall be computed as provided in  
15 section five thousand six hundred ninety-eight-h one (5698-h1) of this  
16 chapter for all persons holding seniority in the classification or grade  
17 affected, regardless of their seniority in any other classification or  
18 grade, but any such employee so removed from any classification or  
19 grade shall revert to his seniority in the next lower grade or classifica-  
20 tion; if such seniority is equal, then the one less efficient and competent  
21 as determined by the person or body having the appointing power shall  
22 be the one affected.

23 "In case of such removal or suspension, the civil service commission  
24 shall issue to each person so affected a certificate showing his com-  
25 parative seniority or length of service in each classification or grade  
26 from which he is so removed and the fact that he has been honorably  
27 so removed, and his name shall be carried for a period of not less than  
28 three years after such suspension or removal, on a preferred list and  
29 all appointments or promotions made during said period to his former  
30 duties in such classification or grade shall be made in the order of  
31 greater seniority from such preferred lists."

1 SEC. 21. Section five thousand seven hundred twelve-d one (5712-  
2 d1), code, 1935, is hereby repealed.

1 SEC. 22. That section five thousand seven hundred thirteen (5713),  
2 code, 1935, is hereby amended by adding after the word "committee"  
3 in line six (6), the following: " , or take any active part in any political  
4 campaign except to cast his vote and to express his personal opinion  
5 privately, nor shall any such candidate or committee solicit such con-  
6 tribution or active political support from any such officer or employee".

1 SEC. 23. That chapter two hundred eighty-nine (289), code, 1935,  
2 is hereby amended by inserting after section five thousand seven hun-  
3 dred thirteen (5713) the following section:

4 "5713-h1. **Penalty.** The provisions of this chapter shall be strictly  
5 carried out by each person or body having powers or duties thereunder,  
6 and any act or failure to act tending to avoid or defeat the purposes  
7 of such provisions is hereby prohibited, and shall be punishable as a  
8 misdemeanor."

1 SEC. 24. The invalidity of any portion of this act shall not affect  
2 the validity of any other portion thereof which can be given effect  
3 without such invalid part.

1 SEC. 25. This act being deemed of immediate importance shall be  
2 in full force and effect after its passage and publication in the Bloom-

3 field Democrat, a newspaper published at Bloomfield, Iowa, and in the  
4 Council Bluffs Nonpareil, a newspaper published at Council Bluffs,  
5 Iowa.

H. F. 51. Approved April 13, 1937.

I hereby certify that the foregoing act was published in the Council Bluffs Nonpareil, April 14, 1937, and the Bloomfield Democrat, April 15, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

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## CHAPTER 157

### CITIES UNDER MANAGER PLAN

H. F. 258

AN ACT to amend section fifty-six hundred ninety-four (5694) of the code, 1935, relating to the chief of the fire department in cities under the manager plan.

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

1 SECTION 1. Section fifty-six hundred ninety-four (5694)\* code, 1935,  
2 is amended by striking the period following the word "chief" in line  
3 33, and substituting a semi-colon therefor, and adding the following:  
4 "provided, however, that in cities of the first class under the man-  
5 ager plan, a chief of fire department who has served continuously in  
6 that position for five years or more, shall be deemed entitled to the  
7 benefits of this chapter."

House File 258. Approved May 1, 1937.

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## CHAPTER 158

### CIVIL SERVICE

S. F. 172

AN ACT to amend section five thousand six hundred ninety-four (5694), code, 1935, relating to the applicability of civil service and exceptions thereto by adding a provision as to the applicability of civil service to certain officials in cities acting under special charter with a population of over fifty thousand (50,000).

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

1 SECTION 1. Section five thousand six hundred ninety-four (5694),\*  
2 code, 1935, is amended by adding thereto the following paragraph:  
3 "Provided, however, that in cities acting under special charter with  
4 a population of fifty thousand (50,000) or more, the provisions of this  
5 chapter shall apply to the city electrician, electrical inspector and  
6 superintendent of the police and fire alarm systems. Any person who  
7 is now and has for five (5) or more years last past held the position  
8 of city electrician, electrical inspector or superintendent of the police  
9 and fire alarm systems in such cities shall retain his position without  
10 further examination."

Senate File 172. Approved May 1, 1937.

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\* Note: Section 5694 repealed. H. F. 51.