

## CHAPTER 94

## VIET NAM VETERANS' NEWSSTANDS

S. F. 5

AN ACT relating to veterans' newsstands in the statehouse.

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

1 SECTION 1. Section nineteen point sixteen (19.16), Code 1966, is  
2 amended by inserting in line eleven (11) after the word "inclusive,"  
3 the words "or the Viet Nam Conflict at any time between August 5,  
4 1964 and ending on the date the armed forces of the United States  
5 are directed by formal order of the government of the United States  
6 to cease hostilities, both dates inclusive,".

Approved February 8, 1967.

## CHAPTER 95

## MERIT SYSTEM PERSONNEL ADMINISTRATION

H. F. 572

AN ACT to establish a merit system of personnel administration for state employees and to repeal Acts and parts of Acts in conflict therewith.

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

1 SECTION 1. The general purpose of this Act is to establish for the  
2 state of Iowa a system of personnel administration based on the merit  
3 principles and scientific methods governing the appointment, promo-  
4 tion, welfare, transfer, lay-off, removal and discipline of its civil  
5 employees, and other incidents of state employment. All appoint-  
6 ments and promotions to positions in the state service shall be made  
7 solely on the basis of merit and fitness, to be ascertained by competi-  
8 tive examinations, except as hereinafter specified.

1 SEC. 2. When used in this Act, unless the context otherwise re-  
2 quires:

3 1. "Department" means the Iowa merit employment department.

4 2. "Director" means the director of the Iowa merit employment  
5 department.

6 3. "Commission" means the Iowa merit employment commission.

7 4. "Merit system" means the merit system established under this  
8 Act.

9 5. "Appointing authority" means the chairman or person in charge  
10 of divisions of the state government including, but not limited to,  
11 boards, bureaus, commissions, departments and other divisions or an  
12 employee designated to employ persons by such an appointing au-  
13 thority.

1 SEC. 3. The merit system shall apply to all employees of the state  
2 and to all positions in the state government now existing or hereafter  
3 established except the following:

4 1. The general assembly, employees of the general assembly, other  
5 officers elected by popular vote, and persons appointed to fill vacan-  
6 cies in elective offices.

7 2. All board members and commissions whose appointments are  
8 otherwise provided for by the statutes of the state of Iowa, and one  
9 (1) stenographer or secretary for each member of each board and  
10 commission, and one (1) principal assistant or deputy in each de-  
11 partment.

12 3. Three (3) principal assistants or deputies for each elective offi-  
13 cial and one (1) stenographer or secretary for each elective official  
14 and each principal assistant or deputy thereof.

15 4. The personal staff of the governor.

16 5. All employees under the supervision of the attorney general or  
17 his assistants.

18 6. All presidents, deans, directors, teachers, professional and sci-  
19 entific personnel, and student employees under the jurisdiction of the  
20 state board of regents.

21 7. The superintendent of public instruction and members of the  
22 professional staff of the department of public instruction, appointed  
23 under the provisions of section two hundred fifty-seven point twenty-  
24 four (257.24) of the Code, who possess a current, valid teacher's  
25 certificate or who are assigned to vocational activities or programs.

26 8. Patients or inmates employed in state institutions.

27 9. Persons employed by the commission for the blind and the divi-  
28 sion of vocational rehabilitation or any successor thereto.

29 10. Part-time professional employees who are paid a fee or who  
30 are under contract for service basis and are not engaged in admin-  
31 istrative duties.

32 11. Officers and enlisted men of the armed services under state  
33 jurisdiction.

34 12. All judges and all employees of the courts.

35 13. All physicians, psychiatrists, and heads of institutions under  
36 the jurisdiction of the board of control of state institutions or its  
37 successor.

38 14. All appointments which are by law made by the governor or  
39 executive council; one (1) stenographer or secretary for each; and  
40 one (1) principal assistant or deputy for each.

41 15. Any other position or positions excluded by law.

42 Nothing in this section shall authorize the employment of any ste-  
43 nographer, secretary, assistant or deputy not otherwise authorized  
44 by law.

45 Nothing herein shall be construed as precluding the appointing  
46 authority from filling any position in the manner in which positions  
47 in the merit system are filled.

48 All merit systems now in effect including the present joint merit  
49 system in state agencies expending federal funds shall remain in full  
50 force and effect so far as it applies to such agencies, until such time  
51 as the plan and rules promulgated under the provisions of this Act  
52 are approved by the appropriate federal agencies. At that time, such  
53 state agencies shall be subject to all provisions of this Act. Any  
54 employee who has received appointment under the Iowa merit system  
55 shall retain his position or a position of comparable status and pay.

56 At such time as the plan and rules are approved by the federal agen-  
57 cy, the Iowa merit system council and all other such systems shall  
58 transfer all their records, property, and other material to the Iowa  
59 merit employment commission.

60 The state board of regents shall adopt rules and regulations for its  
61 employees, which rules and regulations shall not be inconsistent with  
62 the objectives of this Act, and which shall be subject to approval of  
63 the Iowa merit employment commission. If at any time the director  
64 determines that the board of regents merit system does not comply  
65 with the intent of this Act, he, subject to the approval of the com-  
66 mission, shall have authority to direct correction thereof and the  
67 rules and regulations of the board shall not be in compliance until  
68 the corrections are made.

69 Institutions under the board of control of state institutions shall  
70 be authorized to qualify and employ applicants under rules adopted  
71 by the commission.

1 SEC. 4. There is hereby established a department of merit em-  
2 ployment to be known as the "Iowa merit employment department,"  
3 the executive head of which shall be the director of merit employ-  
4 ment. In the department there shall be a merit employment commis-  
5 sion of three (3) members with the powers and duties hereinafter  
6 enumerated. The provisions of section eight point twenty-three  
7 (8.23) of the Code shall apply to this department.

1 SEC. 5. The merit employment commission shall appoint a direc-  
2 tor of merit employment who shall be experienced in the field of  
3 personnel administration, and who is in known sympathy with the  
4 application of merit principles in public employment. The commis-  
5 sion shall establish for the class of director, minimum requirements  
6 of education and experience which are pertinent to the duties of the  
7 position. The restrictions as to political activity of the members of  
8 the commission shall likewise apply to the director.

9 The director of merit employment may be removed by the merit  
10 employment commission for cause only after he has been presented  
11 in writing with the reasons for his removal. He shall be given the  
12 opportunity, not less than fifteen (15) days, to answer any charges  
13 either in writing or upon his request to be heard by the commission.  
14 The statement of reasons and answer or transcript of hearing shall  
15 be filed with the secretary of state as a public record.

1 SEC. 6. 1. The members of the commission shall be citizens of  
2 the United States and residents of Iowa and shall be in sympathy  
3 with the application of merit principles to public employment. No  
4 member of the commission shall be a member of any local, state, or  
5 national committee of a political party or an officer or member of a  
6 committee in any partisan political club or organization, or hold or  
7 be a candidate for any paid elective public office. The commission  
8 shall be nonpartisan in its scope and function, it being provided,  
9 however, that no more than two (2) members thereof shall be from  
10 the same political party.

11 2. Within thirty (30) days after the effective date of this Act, the  
12 governor shall appoint three (3) members of the merit employment  
13 commission. Members appointed to the commission shall be subject

14 to approval of two-thirds ( $\frac{2}{3}$ ) of the members of the senate. The  
15 merit employment commission appointed shall hold office in the fol-  
16 lowing manner: one (1) member until July 1, 1969, one (1) member  
17 until July 1, 1971, and one (1) member until July 1, 1973. There-  
18 after, each member shall be appointed for a term ending six (6)  
19 years from the date of expiration of the term for which his predeces-  
20 sor was appointed. Where a vacancy may exist, the governor shall  
21 appoint for the unexpired portion of the term, and if the general  
22 assembly is not then in session, the governor shall, upon the conven-  
23 ing of the general assembly, promptly report the appointment to the  
24 senate for confirmation.

25 3. A member of the commission may be removed by the governor  
26 only for cause, after being given a copy of charges against him and  
27 an opportunity to be heard publicly on such charges before the gov-  
28 ernor. A copy of the charges and transcript of the record of the  
29 hearing shall be filed with the secretary of state.

30 4. Members of the commission shall receive per diem while en-  
31 gaged in their official duties, the same rate as paid members of the  
32 general assembly. They shall be paid their actual and necessary  
33 travel and other official expenditures necessitated by their official  
34 duties.

35 5. The commission shall elect one (1) of its members as chairman.  
36 It shall meet at such time and place as shall be specified by call of the  
37 chairman or the director. At least one (1) meeting shall be held bi-  
38 monthly. All meetings shall be open to the public. Notice of each  
39 meeting shall be given in writing to each member by the director at  
40 least three (3) days in advance of the meeting. Two (2) commis-  
41 sioners shall constitute a quorum for the transaction of business.

1 SEC. 7. In addition to the duties expressly set forth elsewhere in  
2 this Act, the commission shall:

3 1. Represent the public interest in the improvement of personnel  
4 administration in the state merit system.

5 2. Advise the governor and the director on problems concerning  
6 personnel administration.

7 3. Foster the interest of institutions of learning and of industrial,  
8 civic, professional, and employee organizations in the improvement  
9 of personnel standards in the state merit system.

10 4. Make any investigation which it may consider desirable con-  
11 cerning the administration of personnel in the state merit system and  
12 make recommendations to the director with respect thereto.

13 5. Make an annual report and special reports and recommenda-  
14 tions to the governor.

1 SEC. 8. The director, as executive head of the department, shall  
2 direct and supervise all of the administrative and technical activities  
3 of the department. In addition to the duties imposed by the director  
4 elsewhere in this Act, it shall be his duty:

5 1. To apply and carry out this law and the rules adopted there-  
6 under.

7 2. To attend meetings of the commission and to act as its secre-  
8 tary and keep minutes of its proceedings.

9 3. To establish and maintain a roster of all employees in the state

10 merit system in which there shall be set forth, as to each employee,  
11 the class title, pay or status, and other pertinent data.

12 4. To appoint such employees of the department and such experts  
13 and special assistants as may be necessary to carry out effectively the  
14 provisions of this Act. Staff employees shall be appointed in accord-  
15 ance with the provisions of this Act.

16 5. To foster and develop, in cooperation with appointing author-  
17 ities and others, programs for the improvement of employee effec-  
18 tiveness, including training, safety, health, counseling, and welfare.

19 6. To encourage and exercise leadership in the development of  
20 effective personnel administration within the several departments in  
21 the state merit system, and to make available the facilities of the  
22 department of merit employment to this end.

23 7. To investigate the operation and effect of this law and of the  
24 rules made thereunder and to report semi-annually his findings and  
25 recommendations to the commission.

26 8. To make an annual report to the commission regarding the work  
27 of the department and such special reports as he may consider de-  
28 sirable.

29 9. To perform any other lawful acts which he may consider neces-  
30 sary or desirable to carry out the purposes and provisions of this Act.

31 The director shall designate, with the approval of the commission,  
32 an employee of the department to act for him in his absence or in-  
33 ability from any cause to discharge the powers and duties of this  
34 office.

35 The director shall utilize appropriate persons, including officers  
36 and employees in the state merit system to assist in the preparation  
37 and rating of tests. The director shall confer with agency personnel  
38 to assist in preparing examinations for professional and technical  
39 classes. An appointing authority may excuse any employee in his  
40 division from his regular duties for the time required for his work  
41 as an examiner. Such officers and employees shall not be entitled to  
42 extra pay for their services as examiners but shall be paid their  
43 necessary traveling and other expenses.

1 SEC. 9. The merit employment commission shall adopt and may  
2 amend rules for the administration and implementation of this Act  
3 in accordance with chapter seventeen A (17A) of the Code. The  
4 director shall prepare and submit proposed rules to the commission.  
5 The rules shall provide:

6 1. For the preparation, maintenance, and revision of a position  
7 classification plan from a schedule by separate department for each  
8 position and type of employment not otherwise provided by law in  
9 state government as approved by the executive council for all posi-  
10 tions in the merit system, based upon duties performed and responsi-  
11 bilities assumed, so that the same qualifications may reasonably be  
12 required for and the same schedule of pay may be equitably applied  
13 to all positions in the same class, in the same geographical area.  
14 After such classification has been approved by the commission, the  
15 director shall allocate the position of every employee in the merit  
16 system to one of the classes in the plan. Any employee or agency  
17 officials affected by the allocation of a position to a class shall, after  
18 filing with the director a written request for reconsideration thereof

19 in such manner and form as the director may prescribe, be given a  
20 reasonable opportunity to be heard thereon by the director. An  
21 appeal may be made to the commission or to a qualified classification  
22 committee appointed by the commission.

23 Whenever the public interest may require a diminution or increase  
24 of employees in any position or type of employment not otherwise  
25 provided by law, or the creation or abolishment of any such position  
26 or type of employment, the governor with the approval of the execu-  
27 tive council, acting in good faith, shall so notify the commission.  
28 Thereafter such position or type of employment shall stand abolished  
29 or created and the number of employees therein reduced or increased.  
30 Schedules of positions and type of employment not otherwise pro-  
31 vided by law shall be reviewed at least once each year by the governor  
32 and submitted to the executive council for continuing approval.

33 2. For a pay plan within the purview of an appropriation made by  
34 the general assembly and not otherwise provided by law for all  
35 employees in the merit system, after consultation with appointing  
36 authorities and after a public hearing held by the commission. Such  
37 pay plan shall become effective only after it has been approved by  
38 the executive council after submission from the commission. Review  
39 of the pay plan for revisions shall be made in the same manner at  
40 the discretion of the director, but not less than annually. Each em-  
41 ployee shall be paid at one (1) of the rates set forth in the pay plan  
42 for the class of position in which employed and, unless otherwise  
43 designated by the commission, shall begin employment at the first  
44 step of the established range for his class.

45 3. For open competitive examinations to test the relative fitness of  
46 new applicants for the respective positions. Such examinations shall  
47 be practical in character and shall relate to such matters as will fairly  
48 test the ability of the applicant to discharge the duties of the position  
49 to which appointment is sought.

50 Where the Code of Iowa establishes certification, registration and  
51 licensing provisions, such documents shall be considered prima facie  
52 evidence of basic skills accomplishment and such persons shall be  
53 exempt from further basic skills testing.

54 Examinations need not be held until after the rules have been  
55 adopted, the service classified, and a pay plan established, but shall  
56 be held no later than one (1) year after the effective date of this Act.  
57 Such examinations shall be announced publicly at least fifteen (15)  
58 days in advance of the date fixed for the filing of applications there-  
59 for, and shall be advertised through the communications media. The  
60 director may, however, in his discretion, continue to receive applica-  
61 tions and examine candidates for a period adequate to assure a suffi-  
62 cient number of eligibles to meet the needs of the system, and may add  
63 the names of successful candidates to existing eligible lists in accord-  
64 ance with their respective ratings.

65 4. For promotions which shall give appropriate consideration to  
66 the applicant's qualifications, record of performance, and conduct.  
67 Vacancies shall be filled by promotion whenever practicable and in  
68 the best interest of the system and shall be by competitive or non-  
69 competitive examination. Such examinations shall be of the same  
70 nature and content as those used in establishing competitive registers

71 for the class. A promotion means a change in the status of an em-  
72 ployee, from a position in one (1)\* class to a position in another class  
73 having a higher entrance salary.

74 5. For the establishment of eligible lists for appointment and pro-  
75 motion, upon which lists shall be placed the names of successful  
76 candidates in the order of their relative excellence in the respective  
77 examinations. Eligibility for appointment from any such list shall  
78 continue for at least one (1) year and not longer than three (3)  
79 years.

80 6. For the rejection of candidates or eligibles who fail to comply  
81 with reasonable requirements such as physical condition, training  
82 and experience, or who are habitual criminals or alcoholics who have  
83 not been rehabilitated from the use of alcohol for a period of six (6)  
84 months, or addicted to narcotics, or who have attempted any decep-  
85 tion or fraud in connection with an examination.

86 7. For the appointment by the appointing authority of a person  
87 standing among the highest three (3) on the appropriate eligible list  
88 to fill a vacancy.

89 8. For a probation period of one (1) year, excluding educational  
90 or training leave, before appointment may be made complete, and  
91 during which period a probationer may be discharged or reduced in  
92 class or rank, or replaced on the eligible list. The appointing author-  
93 ity shall within ten (10) days prior to the expiration of an employ-  
94 ee's probation period notify the director in writing whether the  
95 services of the employee have been satisfactory or unsatisfactory.  
96 If the employee's services are unsatisfactory, he shall be dropped  
97 from the payroll on or before the expiration of his probation period.  
98 If satisfactory, the appointment shall be deemed permanent. The  
99 determination of the appointing authority shall be final and con-  
100 clusive.

101 9. For emergency employment for not more than sixty (60) calen-  
102 dar days in any twelve-(12) month period without examination, and  
103 for intermittent employment for not more than one hundred eighty  
104 (180) calendar days in any twelve-(12) month period. For inter-  
105 mittent employment the employee must have had a probationary,  
106 permanent, or temporary appointment.

107 10. For provisional employment without competitive examination  
108 when there is no appropriate eligible list available. No such provi-  
109 sional employment shall continue longer than one hundred eighty  
110 (180) calendar days nor shall successive provisional appointments  
111 be allowed, except during the first two (2) years after the effective  
112 date of this Act in order to avoid stoppage of orderly conduct of the  
113 business of the state.

114 11. For transfer from a position in one (1)\* department to a simi-  
115 lar position in another department involving similar qualifications,  
116 duties, responsibilities, and salary ranges. Whenever an employee  
117 transfers or is transferred from one (1)\* state department or agency  
118 to another state department or agency, his seniority rights, any ac-  
119 cumulated sick leave, and accumulated vacation time, as provided in  
120 the law, shall be transferred to the new place of employment and  
121 credited to him.

\*According to enrolled Act.

122 12. For reinstatement of persons who have attained permanent  
123 status and who resign in good standing or who are laid off from their  
124 positions without fault or delinquency on their part, within a period  
125 equal to the period of their continuous employment with the state but  
126 for a period of not longer than two (2) years.

127 13. For establishing in cooperation with the appointing authorities  
128 a system of service records of all employees in the classified service,  
129 which service records shall be considered in determining salary in-  
130 creases provided in the pay plan; as a factor in promotion tests; as  
131 a factor in determining the order of layoffs because of lack of funds  
132 or work and in reinstatement; as a factor in demotions, discharges  
133 or transfers; and for the regular evaluation, at least annually, of the  
134 qualifications and performance of all employees in the classified  
135 service.

136 14. For layoffs by reason of lack of funds or work, or organiza-  
137 tion, and for reemployment of employees so laid off, giving primary  
138 consideration in both layoffs and reemployment to performance rec-  
139 ord and secondary consideration to seniority in service. Any em-  
140 ployee who has been laid off may keep his name on a preferred  
141 employment list for one (1) year, which list shall be exhausted by  
142 the agency enforcing the layoff before selection of an employee may  
143 be made from the register in his classification.

144 15. For imposition, as a disciplinary measure, of a suspension  
145 from the service without pay for not longer than thirty (30) days.

146 16. For discharge, suspension, or reduction in rank or grade for  
147 any of the following causes: failure to perform assigned duties,  
148 inadequacy in performing assigned duties, negligence, inefficiency,  
149 incompetence, insubordination, unrehabilitated alcoholism or nar-  
150 cotics addiction, dishonesty, any act or conduct which adversely af-  
151 fects the employee's performance or the agency employing him, and  
152 any other good cause for discharge, suspension, or reduction. The  
153 person discharged, suspended, or reduced shall be given a written  
154 statement of the reasons for his discharge, suspension, or reduction  
155 within twenty-four (24) hours after the discharge, suspension, or  
156 reduction. A copy thereof shall be filed with the director. All persons  
157 concerned with the administration of this Act shall use their best  
158 efforts to insure that this Act and rules hereunder shall not be a  
159 means of protecting or retaining unqualified or unsatisfactory em-  
160 ployees, and to cause the discharge, suspension, or reduction in rank  
161 of all employees who should be discharged, suspended, or reduced for  
162 any of the causes stated in this subsection.

163 17. For establishment of a uniform plan for resolving employee  
164 grievances and complaints.

165 18. For attendance regulations, and special leaves of absence, with  
166 or without pay, or reduced pay in the various classes of positions in  
167 the classified service. Annual sick leave and vacation time shall be  
168 granted in accordance with section seventy-nine point one (79.1) of  
169 the Code.

170 19. For the development and operation of programs to improve the  
171 work effectiveness and morale of employees in the merit system,  
172 including training, safety, health, welfare, counseling, recreation,  
173 and employee relations.



174 20. Notwithstanding any provisions to the contrary, no rule or  
175 regulation shall be adopted by the department which would deprive  
176 the state of Iowa, or any of its agencies or institutions of federal  
177 grants or other forms of financial assistance.

178 21. For veterans preference through a provision that honorably  
179 separated veterans who served on active duty in the Armed Forces  
180 of the United States in any war, campaign or expedition for which  
181 a campaign badge or service medal has been authorized by the govern-  
182 ment of the United States shall have five (5) points added to the  
183 grade or score attained in qualifying examinations for appointment  
184 to jobs.

185 Veterans who have a service-connected disability or are receiving  
186 compensation, disability benefits or pension under laws administered  
187 by the Veterans Administration shall have ten (10) points added to  
188 the grades attained in qualifying examinations. A veteran who has  
189 been awarded the Purple Heart for disabilities incurred in action  
190 shall be considered to have a service-connected disability.

191 22. For acceptance of the qualifications, requirements, regulations,  
192 and general provisions established under other sections of the Code  
193 pertaining to professional registration, certification, and licensing.

1 SEC. 10. All officers and employees of the state and of municipal-  
2 ities and political subdivisions of the state shall allow the department  
3 the reasonable use of public buildings under their control, and fur-  
4 nish heat, light, and furniture for any examination, hearing, or in-  
5 vestigation authorized by this Act. The department shall pay to a  
6 municipality or political subdivision the reasonable cost of any such  
7 facilities furnished.

1 SEC. 11. All officers and employees of the state shall comply with  
2 and aid in all proper ways in carrying out the provisions of this Act  
3 and the rules, regulations, and orders thereunder. All officers and  
4 employees shall furnish any records or information which the direc-  
5 tor or the commission may require for any purpose of this Act. The  
6 director may institute and maintain any action or proceeding at law  
7 or in equity that he considers necessary or appropriate to secure  
8 compliance with this Act and the rules and orders thereunder.

9 The director may, with the approval of the commission, delegate  
10 to a person under the merit system in any department, agency, board,  
11 commission, or installation thereof, located away from the seat of  
12 government any of the duties herein imposed upon the director.

1 SEC. 12. An employee holding a position covered by this Act as  
2 of the effective date of the Act, and who has held such position or  
3 other position covered by this Act for two (2) consecutive years or  
4 more immediately prior to the effective date of the Act, shall be given  
5 permanent appointment as stated in section nine (9), subsection  
6 eight (8) of this Act, provided that:

7 1. The employee has been certified by the director as having met  
8 the minimum qualifications established for the classification of the  
9 position held, and the employee has been recommended by the ap-  
10 pointing authority as having given satisfactory service during the  
11 prior period of employment, or

12 2. The employee who does not meet the minimum qualifications  
13 established for the classification of the position held, but has been  
14 recommended by the appointing authority as having given satisfac-  
15 tory service during the prior period of service and has been certified  
16 by the director as having passed a qualifying examination for the  
17 position.

18 An employee holding a position covered by this Act who fails to  
19 obtain permanent status by either of the options described in sub-  
20 sections one (1) and two (2) of this section, or who has been em-  
21 ployed for a period of less than two (2) consecutive years immedi-  
22 ately prior to the effective date of this Act, shall be permitted to  
23 apply for the position held or any other position covered by this  
24 Act through the qualifying and examining procedure established  
25 under this Act, and may be appointed to such position on a non-  
26 competitive basis.

27 Nothing herein shall preclude the reclassification or reallocation  
28 as provided by this Act of any position held by any such incumbent.  
29 Appointments made subsequent to the effective date of this Act and  
30 prior to establishment of an eligible list shall be subject to the pro-  
31 visions of this Act and the rules of the commission concerning pro-  
32 visional appointments.

1 SEC. 13. No state disbursing or auditing officer shall make or  
2 approve or take part in making or approving any payment for per-  
3 sonal service to any person holding a position in the merit system  
4 unless the payroll voucher or account of such pay bears the certifi-  
5 cation of the director, or of his authorized agent, that the persons  
6 named therein have been appointed and employed in accordance with  
7 the provisions of this Act and the rules, regulations, and orders there-  
8 under, and that funds are available for the payment of the persons.

9 The director may for proper cause withhold certification from an  
10 entire payroll or from any specific item or items thereon. The direc-  
11 tor may, however, provide that certification of payrolls may be made  
12 once every six (6) months, and such certification shall remain in  
13 effect except in the case of any officer or employee whose status has  
14 changed after the last certification of his payroll. In the latter case  
15 no voucher for payment of salary to such employee shall be issued or  
16 payment of salary made without further certification by the director.

17 Any citizen may maintain a suit to restrain a disbursing officer  
18 from making any payment in contravention of any provision of this  
19 Act, rule, or order thereunder. Any sum paid contrary to any pro-  
20 vision of this Act or any rule, regulation, or order thereunder may  
21 be recovered in an action maintained by any citizen, from any officer  
22 who made, approved, or authorized such payment or who signed or  
23 countersigned a voucher, payroll, check, or warrant for such pay-  
24 ment, or from the sureties on the official bond of any such officer.  
25 All moneys recovered in any such action shall be paid into the state  
26 treasury.

27 Any person appointed or employed in contravention of any provi-  
28 sion of this Act or of any rule, regulation, or order thereunder who  
29 performs service for which he is not paid, may maintain an action  
30 against the officer or officers who purported so to appoint or employ  
31 him to recover the agreed pay for such services or the reasonable

32 value thereof if no pay was agreed upon. No officer shall be reim-  
33 bursed by the state at any time for any sum paid to such person on  
34 account of such services.

35 If the director wrongfully withholds certification of the payroll  
36 voucher or account of any employee, such employee may maintain a  
37 proceeding in the courts to compel the director to certify such a pay-  
38 roll voucher or account.

1 SEC. 14. Any employee who is discharged, suspended, or reduced  
2 in rank or grade, except during his probation period, may appeal to  
3 the appointing authority and if not satisfied, may, within thirty (30)  
4 days after such discharge, reduction, or suspension appeal to the  
5 commission for review thereof. Upon such review, both the appeal-  
6 ing employee and the appointing authority whose action is reviewed  
7 shall, within thirty (30) days following the date of filing of the  
8 appeal to the commission, have the right to a hearing closed to the  
9 public, unless a public hearing is requested by the employee, and to  
10 present evidentiary facts thereat. Technical rules of evidence shall  
11 not apply at any hearing so held. If the commission finds that the  
12 action complained of was taken by the appointing authority for any  
13 political, religious, racial, national origin, sex, age or nonmerit rea-  
14 sons, the employee shall be reinstated to his former position without  
15 loss of pay for the period of the suspension. In all other cases the  
16 merit employment commission shall have jurisdiction to hear and  
17 determine the rights of merit system employees and may affirm,  
18 modify, or reverse any case on its merits. The employee or the state  
19 may obtain judicial review of the commission's decision by writ of  
20 certiorari as provided by division fourteen (XIV) of the Rules of  
21 Civil Procedure.

1 SEC. 15. The records of the department, except personal informa-  
2 tion in an employee's file if the publication of such information would  
3 serve no proper public purpose, shall be public records and shall be  
4 open to public inspection, subject to reasonable regulations as to the  
5 time and manner of inspection which may be prescribed by the direc-  
6 tor. Each employee shall have access to his personal file.

7 Any applicant for a position subject to the provisions of this Act  
8 shall be permitted to review, in accordance with such regulations as  
9 the director may prescribe, any test, grade, or evaluation resulting  
10 from the application for employment.

1 SEC. 16. Subject to the rules approved by the commission, the  
2 director may enter into agreements with any municipality or political  
3 subdivision of the state to furnish services and facilities of the agency  
4 to such municipality or political subdivision in the administration  
5 of its personnel on merit principles. Any such agreement shall pro-  
6 vide for the reimbursement to the state of the reasonable cost of the  
7 services and facilities furnished. All municipalities and political  
8 subdivisions of the state are authorized to enter into such agree-  
9 ments.

10 Nothing in this Act shall affect any municipal civil service pro-  
11 grams presently established under and pursuant to the provisions of  
12 chapter three hundred sixty-five (365) of the Code.

1 SEC. 17. The commission, each member of the commission, and  
2 the director shall have power to administer oaths, subpoena witnesses,  
3 and compel the production of books and papers pertinent to any in-  
4 vestigation or hearing authorized by this Act. Any person who shall  
5 fail to appear in response to a subpoena or produce any books or  
6 papers pertinent to any such investigation or hearing or who shall  
7 knowingly give false testimony therein shall be guilty of a misde-  
8 meanor.

1 SEC. 18. No person shall be appointed or promoted to, or demoted  
2 or discharged from, any position in the merit system, or in any way  
3 favored or discriminated against with respect to employment in the  
4 merit system because of his political or religious opinions or affilia-  
5 tions or race or national origin or sex, or age.

6 No person holding a position in the classified service shall, during  
7 his working hours or when performing his duties or when using state  
8 equipment or at any time on state property, take part in any way in  
9 soliciting any contribution for any political party or any person seek-  
10 ing political office, nor shall such employee engage in any political  
11 activity that will impair his efficiency during working hours or cause  
12 him to be tardy or absent from his work. The provisions of this sec-  
13 tion do not preclude any employee from holding any office for which  
14 no pay is received or any office for which only token pay is received.

15 No person shall seek or attempt to use any political endorsement in  
16 connection with any appointment to a position in the merit system.

17 No person shall use or promise to use, directly or indirectly, any  
18 official authority or influence, whether possessed or anticipated, to  
19 secure or attempt to secure for any person an appointment or advan-  
20 tage in appointment to a position in the merit system, or an increase  
21 in pay or other advantage in employment in any such position, for  
22 the purpose of influencing the vote or political action of any person  
23 or for any consideration.

24 No employee shall use his official authority or influence for the pur-  
25 pose of interfering with an election or affecting the results thereof.

26 Any officer or employee in the merit system who violates any of the  
27 provisions of this section shall be subject to suspension, dismissal, or  
28 demotion subject to the right of appeal herein.

29 The commission shall adopt any rules necessary for further re-  
30 stricting political activities of persons holding positions in the classi-  
31 fied service, but only to the extent necessary to comply with federal  
32 standards in order that the present Iowa merit system council shall  
33 be absorbed by the Iowa merit employment department. In any event  
34 all employees shall retain the right to vote as they please and to ex-  
35 press their opinions on all subjects.

36 Any officer or employee in the merit system who shall become a  
37 candidate for any partisan elective office for remuneration shall, com-  
38 mencing thirty (30) days prior to the date of the primary or general  
39 election and continuing until such person is eliminated as a candidate,  
40 either voluntarily or otherwise, automatically receive leave of absence  
41 without pay and during such period shall perform no duties connected  
42 with the office or position so held.

1 SEC. 19. No person shall make any false statement, certificate,  
2 mark, rating, or report with regard to any test, certification, or ap-  
3 pointment made under any provision of this Act or in any manner  
4 commit or attempt to commit any fraud preventing the impartial  
5 execution of this Act and the rules hereunder.

6 No person shall, directly or indirectly, give, render, pay, offer,  
7 solicit, or accept any money, service, or other valuable consideration  
8 for or on account of any appointment, proposed appointment, pro-  
9 motion, or proposed promotion to, or any advantage in, a position in  
10 the merit system.

11 No employee of the department, examiner, or other person shall  
12 defeat, deceive, or obstruct any person in his right to examination,  
13 eligibility certification, or appointment under this Act, or furnish  
14 to any person any special or secret information for the purpose of  
15 affecting the rights or prospects of any person with respect to em-  
16 ployment in the merit system.

1 SEC. 20. Any person who willfully violates any provision of this  
2 Act or any rules adopted in accordance with this Act shall be guilty  
3 of a misdemeanor and upon conviction shall be punished therefor by  
4 a fine of not more than one hundred (100) dollars or by imprison-  
5 ment in the county jail for not more than thirty (30) days.

1 SEC. 21. If any provision of this Act or of any rule, regulation,  
2 or order thereunder or the application of such provision to any per-  
3 son or circumstances shall be held invalid, the remainder of this Act  
4 and the application of such provision of this Act or of such rule,  
5 regulation, or order to persons or circumstances other than those as  
6 to which it is held invalid shall not be affected thereby.

1 SEC. 22. Those agencies which are members of the Iowa merit  
2 system council shall continue to maintain a merit system council  
3 administrative account for the biennium or until absorbed by the  
4 Iowa merit employment department.

5 The department is authorized and directed to accept on behalf of  
6 the state any grant or contribution, federal or otherwise, made to  
7 assist in meeting the cost of carrying out the purpose of this Act.

1 SEC. 23. Section eight point five (8.5) of the Code is hereby  
2 amended by striking therefrom all of subsection six (6).

1 SEC. 24. The employment provisions of this Act shall become  
2 effective September 1, 1967.

1 SEC. 25. This Act being deemed of immediate importance shall be  
2 in full force and effect, excepting the employment provisions of this  
3 Act, from and after its passage and publication in the Highland Park  
4 News, a newspaper published at Des Moines, Iowa, and in The Man-  
5 chester Press, a newspaper published at Manchester, Iowa.

Approved June 20, 1967.

I hereby certify that the foregoing Act, House File 572, was published in the Highland Park News, Des Moines, Iowa, June 22, 1967, and in The Manchester Press, Manchester, Iowa, June 29, 1967.

MELVIN D. SYNHORST, *Secretary of State.*