

d. Establish, modify, or repeal rules relating to the frequency for which facilities where water is placed in sealed containers including, but not limited to, ice making and bottling facilities are inspected and tested. The frequency standard shall not be less stringent than the frequency standard for testing of public water supplies under chapter 455B.

e. A requirement that all records pertaining to sampling and analysis of water sold in sealed containers for human consumption under this subsection shall be maintained at the bottling facility or if the water is bottled outside of the state at the distributor's facility. The records shall be maintained for at least two years and shall be available upon request for review by officials of the department.

f. Provide that enforcement of this subsection shall be pursuant to chapter 189.

g. The provisions of paragraphs "a", "b", "c", and "e" shall not apply to ice produced from a public water supply as defined and regulated in chapter 455B. Ice sold in sealed containers shall be labeled or tagged with the name and location of the ice maker and whether it is produced from a public water supply. The department shall adopt rules relating to the packaging and handling of ice sold in sealed containers.

Approved April 28, 1986

CHAPTER 1138
CITY CIVIL SERVICE COMMISSIONS
H.F. 2403

AN ACT relating to the operation of city civil service commissions.

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

Section 1. Section 400.2, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The commissioners must be citizens of Iowa, eligible electors as defined in chapter 39, and residents of the city for more than five years next preceding their appointment, and shall serve without compensation. ~~No A person, while on said the commission, shall not hold or be a candidate for any office of public trust. Provided, this section notwithstanding~~ However, when a human rights commission has been established by any a city, the director thereof of the commission shall ex officio be a member, without vote, of the civil service commission.

Sec. 2. Section 400.4, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The chairperson of the commission for each biennial period shall be the member whose term first expires shall elect a chairperson from among its members. In cities having a population of more than seventy-five thousand the commission shall appoint an employee in the city clerk's office who is employed under the provisions of this chapter to be clerk of the commission and the duties as such clerk shall have precedence over any additional duties of the employee's regular employment. In all other cities the city clerk shall be clerk of the commission.

Sec. 3. Section 400.6, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

400.6 APPLICABILITY - EXCEPTIONS.

This chapter applies to permanent full-time police officers and fire fighters in cities having a population of more than eight thousand, and to all appointive permanent full-time employees in cities having a population of more than fifteen thousand except:

1. Persons appointed to fill vacancies in elective offices and members of boards and commissions and the clerk to the civil service commission.

2. The city clerk, chief deputy city clerk, city attorneys, city treasurer, city assessor, city auditor, city engineer, and city health officer.

3. The city manager or city administrator and assistant city managers or assistant city administrators.

4. The head and principal assistant of each department and the head of each division. This exclusion does not apply to assistant fire chiefs and to assistant police chiefs in cities with police departments of two hundred fifty or fewer members. However, sections 400.13 and 400.14 apply to police and fire chiefs.

5. The principal secretary to the city manager or city administrator, the principal secretary to the mayor, and the principal secretary to each of the department heads.

6. Employees of boards of trustees or commissions established pursuant to state law or city ordinances.

7. Employees whose positions are funded by state or federal grants or other temporary revenues.

Sec. 4. Section 400.7, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

400.7 PREFERENCE BY SERVICE.

An employee regularly serving in or holding a position when the position becomes subject to this chapter or when the position is reclassified by the city shall retain the position and have full civil service rights in the position under any of the following conditions:

1. The employee meets the minimum qualifications established for the position and has completed the required probationary period for the position.

2. The employee has served satisfactorily in the position for a period equal to the probationary period of the position, and passes a qualifying noncompetitive examination for the position but does not meet the minimum qualifications established for the position.

3. An employee who has not completed the required probationary period but who otherwise meets the requirements of subsection 1 or 2 shall receive full civil service rights in the position upon the completion of the probationary period.

Appointments made after the time this chapter becomes applicable in a city are subject to this chapter.

Sec. 5. Section 400.9, subsection 3, Code 1985, is amended by striking the subsection and inserting in lieu thereof the following:

3. Vacancies in civil service promotional grades shall be filled by promotion of employees of the city to the extent that the city employees qualify for the positions. When promoted, an employee shall hold full civil service rights in the position. If an employee of the city does not pass one of two successive promotional examinations and otherwise qualify for a vacated position, or if an employee of the city does not apply for a vacated position, an entrance examination may be used to fill the vacancy.

Sec. 6. Section 400.19, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

400.19 REMOVAL OR DISCHARGE OF SUBORDINATES.

The person having the appointing power as provided in this chapter, or the chief of police or chief of the fire department, may peremptorily suspend, demote, or discharge a subordinate then under the person's or chief's direction for neglect of duty, disobedience of orders, misconduct, or failure to properly perform the subordinate's duties.

Sec. 7. Section 400.20, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

400.20 APPEAL.

The suspension, demotion, or discharge of a person holding civil service rights may be appealed to the civil service commission within fourteen calendar days after the suspension, demotion, or discharge.

Sec. 8. Section 400.22, Code 1985, is amended to read as follows:

400.22 CHARGES.

Within ~~five~~ fourteen calendar days from the service of ~~such~~ the notice of appeal, the person or body making the ruling appealed from shall file with the body to which the appeal is taken a written specification of the charges and grounds upon which the ruling was based. If ~~such~~ the charges are not ~~so~~ filed, the person suspended or discharged may present the matter to the body to whom the appeal is to be taken by affidavit, setting forth the facts, and ~~such~~ the body ~~to whom the appeal is to be taken shall forthwith~~ immediately enter an order reinstating the person suspended or discharged for want of prosecution.

Sec. 9. Section 400.27, unnumbered paragraphs 1 and 2, Code 1985, are amended to read as follows:

The civil service commission shall ~~have~~ has jurisdiction to hear and determine all matters involving the rights of civil service employees under this chapter, and may affirm, modify, or reverse any case on its merits.

The city attorney or solicitor shall be the attorney for the commission or when requested by the commission shall present ~~any~~ matters concerning civil service employees to the commission, except the commission in cities of ~~over one hundred thousand~~ population may hire a counselor or an attorney on a per diem basis to represent ~~them~~ other than the city attorney or ~~solicitor~~ it when in the opinion of the commission there is a conflict of interest between the commission and the city council. The counselor or attorney hired by the commission shall not be the city attorney or solicitor. The city shall pay the costs incurred by the commission in employing an attorney under this section.

Sec. 10. Section 400.28, unnumbered paragraph 1, Code 1985, is amended to read as follows:

~~Whenever~~ When the public interests ~~may require~~ interest requires a diminution of employees in ~~any~~ a classification or grade under civil service, the city council, ~~by resolution~~ and acting in good faith, and ~~after notifying the commission of such action~~, may either:

Sec. 11. Section 400.28, unnumbered paragraph 3, Code 1985, is amended to read as follows:

In case of ~~such~~ removal or suspension, the civil service commission shall issue to each person ~~so~~ affected a one certificate showing the person's comparative seniority or length of service in each ~~classification or grade~~ of the classifications or grades from which the person is so removed and the fact that the person has been honorably ~~so~~ removed, ~~and the~~. The certificate shall also list each classification or grade in which the person was previously employed. The person's name shall be carried for a period of not less than three years after ~~such~~ the suspension or removal, on a preferred list and all appointments or promotions made during ~~said~~ that period to the person's former duties in ~~such~~ the classification or grade shall be made in the order of greater seniority from ~~such~~ the preferred lists.

Approved April 28, 1986