

**CHAPTER 162**  
**CITY CIVIL SERVICE**  
*H.F. 456*

**AN ACT** relating to city civil service and providing an effective date.

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

Section 1. Section 400.1, Code 1997, is amended to read as follows:

**400.1 APPOINTMENT OF COMMISSION.**

In cities having a population of eight thousand or over, ~~and~~ having a paid fire department or a paid police department, the mayor, one year after each regular municipal election, with the approval of the council, shall appoint three civil service commissioners who shall hold office, one until the first Monday in April of the second year, one until the first Monday in April of the ~~fourth~~ third year, and one until the first Monday in April of the ~~sixth~~ fourth year after such appointment, whose successors shall be appointed for a term of ~~six~~ four years. In cities having a population of more than one hundred thousand, the city council may establish, by ordinance, the number of civil service commissioners at not less than three.

For the purpose of determining the population of a city under this ~~section~~ chapter, the federal census conducted in 1980 shall be used. ~~This paragraph is void effective July 1, 2001.~~

Sec. 2. Section 400.4, unnumbered paragraph 1, Code 1997, is amended to read as follows:

The commission shall elect a chairperson from among its members. In cities having a population of more than seventy-five thousand, the commission shall appoint a clerk of the commission. In all other cities the city clerk or a designee of the city clerk shall be clerk of the commission. If an employee is appointed clerk of the commission who is employed in a civil service status at the time of appointment as clerk of the commission, the appointee shall retain the civil service rights held before the appointment. However, this section does not grant civil service status or rights to the employee in the capacity of clerk of the commission nor extend any civil service right upon which the appointee may retain the position of clerk of the commission.

Sec. 3. Section 400.6, subsection 2, Code 1997, is amended to read as follows:

2. The city clerk, chief deputy city clerk, city attorneys, city treasurer, city assessor, city auditor, professional city engineer ~~engineers licensed in this state~~, and city health officer.

Sec. 4. Section 400.7, subsection 3, unnumbered paragraph 1, Code 1997, is amended to read as follows:

An employee who has not completed the required probationary period but who otherwise meets the ~~requirements of subsection 1 or 2~~ minimum qualifications established for the position or who passes a qualifying noncompetitive examination for the position shall receive full civil service rights in the position upon the completion of the probationary period.

Sec. 5. Section 400.9, subsection 3, Code 1997, is amended to read as follows:

3. Vacancies in civil service promotional grades shall be filled by lateral transfer, voluntary demotion, or promotion of employees of the city to the extent that the city employees qualify for the positions. When laterally transferred, voluntarily demoted, or 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~~ the promotional examinations ~~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 400.11, unnumbered paragraphs 1 and 2, Code 1997, are amended to read as follows:

The commission, within ~~ninety~~ one hundred eighty days after the beginning of each competitive examination for original appointment ~~or for promotion~~, shall certify to the city council a list of the names of the ~~ten~~ forty persons, ~~or a lesser number as determined by the commission~~, who qualify with the highest standing as a result of each examination for the position they seek to fill, or the number which have qualified if less than ~~ten~~ forty, in the order of their standing, and all newly created offices or other vacancies in positions under civil service which occur before the beginning of the next examination for the positions shall be filled from the lists, or from the preferred list existing as provided for in case of diminution of employees, within thirty days. If a tie occurs in the examination scores which would qualify persons for the ~~tenth~~ last position on the list, the list of the names of the persons who qualify with the highest standing as a result of each examination shall include all persons who qualify for the ~~tenth~~ last position. Preference for temporary service in civil service positions shall be given those on the lists. However, the commission may certify a list of names eligible for appointment subject to successfully completing a medical examination. The medical examination shall be provided pursuant to commission rules adopted under section 400.8.

The commission may hold in reserve, for original appointments ~~and for promotions~~, additional lists of ~~ten~~ forty persons, each next highest in standing, in order of their grade, or such number as may qualify if less than ~~ten~~ forty. If the list of ~~ten up to forty~~ persons provided in the first paragraph is exhausted within one year, the commission may certify such additional lists of ~~ten up to forty~~ persons each, in order of their standing, to the council as eligible for appointment to fill such vacancies as may exist. ~~However, for original appointments only, no more than four lists of ten persons each shall be certified for each one-year period of eligibility.~~

Sec. 7. Section 400.11, unnumbered paragraph 3, Code 1997, is amended by striking the paragraph and inserting in lieu thereof the following:

The commission, within ninety days after the beginning of each competitive examination for promotion, shall certify to the city council a list of names of the ten persons who qualify with the highest standing as a result of each examination for the position the persons seek to fill, or the number which have qualified if less than ten, in the order of their standing and all newly created offices or other vacancies in positions under civil service which occur before the beginning of the next examination for the positions shall be filled from the lists, or from the preferred list existing as provided for in the case of diminution of employees, within thirty days. If a tie occurs in the examination scores which would qualify persons for the tenth position on the list, the list of names of the persons who qualify with the highest standing as a result of each examination shall include all persons who qualify for the tenth position.

Sec. 8. Section 400.15, unnumbered paragraph 3, Code 1997, is amended to read as follows:

All such appointments or promotions shall promptly be reported to the clerk of the commission by the appointing officer. An appointing authority may transfer an employee, other than police officers and fire fighters, ~~with the employee's consent without coercion~~, from one department to the same civil service classification in another department, and such employee shall retain the same civil service status.

Sec. 9. EFFECTIVE DATE AND TRANSITION PROVISIONS. Section 1 of this Act takes effect January 1, 1998. All city civil service commissioners serving unexpired terms of office on January 1, 1998, may continue to serve their unexpired terms of office until April 6, 1998, when their terms of office shall expire. Their successors shall be appointed or reappointed by the mayor with approval of the city council to initial terms of office as provided in section 1 of this Act and thereafter to four-year terms.