



[SF 457](#) – Civil Service (LSB1984SV)

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Fiscal Note Version – New

Requestor: Senator Janice Weiner

Description

[Senate File 457](#) relates to city civil service commissions. The Bill does the following:

- The Bill requires cities with a population of 50,000 or more to have between five and seven commissioners and requires the Mayor, with the approval of the city council, to appoint five commissioners in a city with a population of at least 50,000 and with a paid fire department or a paid police department. Removes language mandating not less than three civil service commissioners for cities with a population of 70,000 or more.
- Provides that an employee with civil service rights may not be unreasonably or unjustly subject to disciplinary action, but may be subject to disciplinary actions due to an act or failure to act by the employee that violates a clearly established law or reasonable city policies or department rules. The Bill strikes language in current law providing that an employee with civil service rights not be disciplined for arbitrary reasons, but is subject to disciplinary actions for a variety of reasons, including when, based on the judgment of the person imposing disciplinary action, the employee is unsuitable or unfit for employment.
- Allows an appointing authority to peremptorily impose disciplinary action on a subordinate, upon presentation of reasonable and just grounds, due to any proven act or failure to act by the employee that is in violation of established law or city policies or is immediately detrimental to the public. Strikes language in current law allowing an appointing authority to immediately impose disciplinary action on a subordinate for a variety of reasons, including when, in the judgment of the authority, the employee is unsuitable or unfit for employment.
- Places the burden of proof for disciplinary action against an employee on the city, prohibits a person from knowingly withholding evidence from an employee charged with a violation, and allows the commission to deliberate in closed session upon request of the employee.
- Provides that the commission only consider, order, or impose discipline upon the employee for charges proven by the city, and provides that the commission reverse any city decision with prejudice if the city fails to meet its burden of proof.
- Requires the commission to base decisions on a majority vote and make any decision in writing, including any reasoning and facts involved, and to make any decision within 30 days of the close of the hearing or trial, with exceptions.
- Strikes language providing that an appeal of the commission's decision to district court be an appellate review without a trial, and instead provides that the review will be a trial.
- Provides that the district court may award a prevailing employee, in addition to other remedies or relief, reasonable attorney and expert fees and other expenses.

The Bill takes effect upon enactment.

Background

Iowa Code chapter [400](#) details laws around civil service commissions, qualifications for employees under civil service, and appeals for employees under civil service. Civil service provisions apply to full-time police officers and fire fighters and to all full-time employees except certain appointed positions, department heads, and employees funded through temporary revenues. Currently, cities with a population of more than 8,000 in the State and with a paid fire department or paid police department are required to have three civil service commissioners. Cities with a population of 70,000 or above may set, by ordinance, the number of commissioners, with a minimum of three. The following cities have a population of at least 50,000:

- Des Moines
- Cedar Rapids
- Davenport
- Sioux City
- Iowa City
- Ankeny
- West Des Moines
- Ames
- Waterloo
- Council Bluffs
- Dubuque

Assumptions

- The number of civil service commissioners in cities with a population of 50,000 or more will increase by a total of 16 statewide.
- Stipend costs are expected to increase by a statewide total of \$200 annually beginning in fiscal year (FY) 2024 due to the new commissioners.
- Due to the Bill allowing new trials and shifting the burden of proof toward cities, the number of district court trials is expected to increase. The number cannot be estimated due to a lack of data.
- The length of each trial is expected to last one day and cost the Judicial Branch approximately \$1,500 per day.
- City attorney and other costs for trial are expected to be absorbed within current salaries and revenue streams.
- It is assumed that 20.0% of employees per year statewide, beginning in FY 2024, will win their cases and receive remedies, relief, and attorney fees averaging \$10,000 each. The costs are borne by local governments.

Fiscal Impact

The potential fiscal impact of the Bill is illustrated in **Figure 1**, which shows a range based on the number of annual trials statewide attributed to the Bill.

Figure 1 — Estimated Costs, Senate File 457

Jurisdiction	Category	15 Trials Annually	30 Trials Annually	50 Trials Annually
Judicial Branch	Trial Costs	\$ 23,000	\$ 45,000	\$ 75,000
	Stipends	\$ 200	\$ 200	\$ 200
Local Governments	Remedies/Relief/ Attorney Costs	30,000	60,000	100,000
	Total	\$ 53,200	\$ 105,200	\$ 175,200

The Bill is also expected to increase the costs of training Civil Service Commissioners for local governments in an amount that cannot be determined due to lack of data.

Sources

- Iowa Judicial Branch
- City of West Des Moines
- City of Des Moines
- City of Council Bluffs
- Sioux City
- City of Ankeny
- City of Ames
- Iowa City
- City of Cedar Rapids
- City of Waterloo
- City of Davenport
- City of Dubuque
- Legislative Services Agency

/s/ Jennifer Acton

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The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.