



BILL AND AMENDMENT SUMMARY

Civil Service Commission HF 420

Status of Bill: On House Floor
Committee: Labor, Passed 17-0
Floor Manager: Representative Hunter
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Background:

Civil Service Commissions, under Iowa Code 400, are generally appointed by mayors and are a city level governing tool. They deal with promotions, specifically the process regarding promotions and qualifications for specific job classifications for fire fighters, police officers and critical civil service personnel. This is intended to depoliticize the hiring process so that patronage or the 'spoils' system of old are no longer a part of the local government hiring and promoting process.

Civil Service Commissions also deal with disciplinary disputes as an arbitrator between the employer and employee. HF 420 is a priority of the Iowa Professional Fire Fighters Association and the Iowa Association of Police and Peace Officers because it attempts to mitigate potential conflicts and to allow the union to represent their members in such circumstances. The bill makes changes to the Civil Service Commission policies and procedures.

Section 1: Publishing the Names of those Appointed by the Civil Service Commission

Currently, there is no requirement that the names of those people selected to serve on the Civil Service Commission be published prior to the vote by the city council for their approval. HF 420 requires the mayor to post the names of persons selected 30 days prior to the vote of the city council.

Section 2: Prohibited Contracts

The bill changes the title of the "conflict of interest" section to "prohibited contracts." It then outlines what those prohibitions are, and specifies a penalty for violations. Civil Service Commissioners would be prohibited from doing the following:

- Sell to or become parties directly or indirectly to any contract that furnishes or supplies material or labor to the city.
- Have a direct or indirect interest in any contract, job material, profits or services to be furnished or performed in the city.

Any contract entered into that would violate this section would become null and void. A violation of this section would be a simple misdemeanor.

HF 420 also removes the conflict of interest exceptions referenced to Iowa Code Chapter 362.5, Public Contract Conflict of Interests Exceptions. Proposed legislative changes in previous years to Civil

Service law have been tied up since some proposals were seen to have conflicted with provisions in 362.5. Under HF 420, the prohibited contract provisions would be those that only apply to Chapter 400.

Section 3 Administers of the Examination

Currently, the commission is in charge of establishing guidelines for conducting the examinations for hiring or promotions. The city may hire persons with expertise to administer the tests if the commission approves the examinations, and if the city's location is the same where the applicant is taking the examination. HF 420 would require the names of the persons approved to administer the examination be posted in city hall at least 24-hours prior to the examination.

Section 4: Temporary Appointments

HF 420 adds the requirement that when filling a temporary position on the Civil Service Commission, the appointment, whenever possible, will be made according to the certified eligible list.

Section 5: Time and Distance Requirements, and Retaliation Prohibited

Section 5 matches HF 310 that is currently on the House Calendar, and passed the House Local Government Committee 21-0, regarding time and distance requirements for professional fire fighters, police officers and critical civil service personnel. This section allows cities to setup time and distance requirements for these employees. Employees **would not** be required to be a resident of the city in which the employees are employed. However, cities may set a reasonable maximum distance outside of the corporate limits of the city, or a reasonable maximum travel time that police officers, fire fighters, and other critical municipal employees may live from their place of employment.

Currently, civil service personnel cannot be appointed, promoted, discharged, or demoted to or from a civil service position, or in any other way favored or discriminated against due to political or religious opinions or affiliations, race, national origin, sex or age. The bill says an employee would not have those adverse actions happen to them if it were in response to them taking action under the rights of this law.

Section 6 and 7: Removal, Denial or Suspension, and Representation at a Public Hearing

Currently, professional fire fighters, police officers or critical civil service personnel, may be removed, denied a promotion, or be suspended for neglect of duty, disobedience, misconduct, or failure to properly perform the person's duties. Under HF 420, the person alleging the misbehavior would have the burden of proving the misbehavior. Under current law, a person subject to a hearing has the right to be represented by any attorney at the person's expense. HF 420 would allow someone to be represented at a hearing or public trial by the person's authorized collective bargaining representative.

The bill takes effect July 1, 2009.

AMENDMENT SUMMARY

H-1293 by Hunter: Residency Requirements

Amends section 5 to go back to current law, so employees **would** be required to be a resident of the state in which the employees are employed. It would still leave the change in the bill to allow cities to set up reasonable time and distance requirements, but employees must live in Iowa.

H-1090 by Watts: Retaliation Prohibited for Denied Appointment

Under Section 5 of the bill, the amendment would add "denied appointment" to the adverse reactions that an employer would be prohibited from taking against a civil service employee. Current law includes appointed, promoted, discharged, or demoted to or from a civil service position.