

Senate File 311 - Reprinted

SENATE FILE 311
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO SSB 1010)

(As Amended and Passed by the Senate March 17, 2025)

A BILL FOR

1 An Act relating to city civil service employees and related
2 procedures and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 364.3, Code 2025, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 20. A city with a civil service commission
4 established under chapter 400 shall not adopt, enforce, or
5 otherwise administer an ordinance, motion, resolution, or
6 amendment, or use any other means, to establish a board or
7 other entity for the purpose of citizen review of the conduct
8 of officers as defined under section 80F.1, subsection 1,
9 paragraph "f".

10 Sec. 2. Section 400.1, subsection 1, Code 2025, is amended
11 to read as follows:

12 1. In cities having a population of eight thousand or over
13 and having a paid fire department or a paid police department,
14 the mayor, one year after a regular city election, with the
15 approval of the council, shall appoint three civil service
16 commissioners. The mayor shall publish notice of the names
17 of persons selected for appointment no less than thirty days
18 prior to a vote by the city council. Commissioners shall hold
19 office, one until the first Monday in April of the second year,
20 one until the first Monday in April of the third year, and one
21 until the first Monday in April of the fourth year after such
22 appointment, whose successors shall be appointed for a term
23 of four years. In cities having a population of more than
24 ~~seventy~~ fifty thousand, the city council ~~may~~ shall establish,
25 by ordinance, the number of civil service commissioners at not
26 less than ~~three~~ five but not more than seven.

27 Sec. 3. Section 400.12A, subsection 3, Code 2025, is amended
28 by adding the following new paragraph:

29 NEW PARAGRAPH. c. This section shall not be construed
30 to change the maximum number of persons on the hiring list
31 referenced in section 400.11, subsection 1, paragraph "a", for a
32 position to be filled to be greater than forty.

33 Sec. 4. Section 400.18, subsections 1 and 3, Code 2025, are
34 amended to read as follows:

35 1. A person holding civil service rights as provided in

1 this chapter shall ~~not only~~ be removed, discharged, demoted,
 2 or suspended ~~arbitrarily, but may be removed, discharged,~~
 3 ~~demoted, or suspended due to any act or failure to act by~~
 4 with just cause and upon a finding by a preponderance of the
 5 evidence that an act or failure to act by the employee that is
 6 in contravention violation of law, city policies, or standard
 7 operating procedures, or that in the judgment of the person
 8 having the appointing power as provided in ~~this chapter~~, or the
 9 chief of police or chief of the fire department, is sufficient
 10 to show that the employee is unsuitable or unfit for employment
 11 rules, or that the employee is physically or mentally unfit as
 12 determined under guidelines established pursuant to section
 13 400.8A. This subsection shall not be construed to modify the
 14 rights, requirements, or procedures provided in section 400.8A
 15 or other rights, requirements, or procedures provided by law.

16 3. The city shall have the burden to prove that the act or
 17 failure to act by the employee was in contravention violation
 18 of law, city policies, or standard operating procedures, or is
 19 sufficient to show that the employee is unsuitable or unfit for
 20 employment department rules not in conflict with any collective
 21 bargaining agreement or law. For purposes of this chapter,
 22 the city shall establish each element of the charges specified
 23 under section 400.22 by a preponderance of the evidence. The
 24 city shall have the burden to prove that the punishment imposed
 25 upon the employee is proportionate, reasonable, and just in the
 26 totality of the circumstances under the factors provided in
 27 section 400.27, subsection 1, paragraph "b".

28 Sec. 5. Section 400.19, Code 2025, is amended to read as
 29 follows:

30 **400.19 ~~Removal~~ Peremptory removal, discharge, demotion, or**
 31 **suspension of subordinates.**

32 The person having the appointing power as provided in
 33 this chapter, or the chief of police or chief of the fire
 34 department, may, upon presentation of reasonable and just
 35 grounds for such action to the subordinate in writing,

1 peremptorily remove, discharge, demote, or suspend a
 2 subordinate then under the person's or chief's direction
 3 due to any act or failure to act by the employee that is in
 4 ~~contravention~~ violation of law, city policies, or ~~standard~~
 5 ~~operating procedures, or that in the judgment of the person or~~
 6 ~~chief~~ department rules, and is sufficient deemed reasonably
 7 anticipated to be detrimental to show that the employee is
 8 ~~unsuitable or unfit for employment public. This section~~
 9 shall not be construed to modify the rights, requirements,
 10 or procedures provided in section 400.8A or other rights,
 11 requirements, or procedures provided by law.

12 Sec. 6. NEW SECTION. 400.22A Exculpatory evidence.

13 A person shall not knowingly withhold exculpatory evidence
 14 from an employee subject to a written specification of charges
 15 filed under section 400.22.

16 Sec. 7. Section 400.23, Code 2025, is amended to read as
 17 follows:

18 **400.23 Time and place of hearing.**

19 Within ten days after such specifications are filed, the
 20 commission shall fix the time for a hearing, which shall be not
 21 less than five nor more than twenty days thereafter, and the
 22 place for hearing the appeal and. The commission shall notify
 23 the parties in writing of the time and place so fixed, and the
 24 notice shall contain a copy of the specifications so filed.
 25 Hearings under this section shall be held during normal city
 26 business hours unless otherwise agreed to by the parties and
 27 the commission. The commission in its discretion may grant a
 28 continuance or stay of a hearing upon request.

29 Sec. 8. Section 400.24, Code 2025, is amended to read as
 30 follows:

31 **400.24 Oaths — books and papers — procedures.**

32 1. The presiding officer of the commission or the council,
 33 as the case may be, shall have power to administer oaths in the
 34 same manner and with like effect and under the same penalties
 35 as in the case of magistrates exercising criminal or civil

1 jurisdiction.

2 2. The council or commission shall cause subpoenas to be
3 issued for such witnesses and the production of such books and
4 papers as either party may designate. Issuance of subpoenas
5 shall be consistent with the Iowa rules of civil procedure.
6 The subpoenas shall be signed by the chairperson of the
7 commission or mayor, as the case may be, or by an attorney
8 representing a party before the commission. The council or
9 commission shall provide a copy of each subpoena to both
10 parties upon issuance. A party, or an attorney representing
11 a party, shall provide copies of any material produced in
12 response to a subpoena to the opposing party upon receipt of
13 such material.

14 3. Those employees who are defined as an "officer" under
15 section 80F.1, subsection 1, paragraph "f", shall have the
16 right to request documents, records, and any other evidence
17 in the possession of the appointing authority relevant to the
18 determination of cause and proportionality of discipline not
19 otherwise in violation of chapter 80F.

20 Sec. 9. Section 400.26, Code 2025, is amended to read as
21 follows:

22 **400.26 Public trial.**

23 The trial of all appeals shall be public, and the parties
24 may be represented by counsel or by the parties' authorized
25 collective bargaining representative. However, upon the
26 request of the employee, the deliberations of the commission
27 in a city with a population of less than two hundred thousand
28 shall be held in closed session.

29 Sec. 10. Section 400.27, subsections 1, 2, and 3, Code 2025,
30 are amended to read as follows:

31 1. a. The civil service commission has jurisdiction to hear
32 and determine matters involving the rights of civil service
33 employees under **this chapter**, and may affirm, modify, or
34 reverse any case on its merits.

35 b. If the commission determines that the city proved the

1 employee committed the charge as specified, the commission
2 shall determine whether the removal, discharge, demotion, or
3 suspension of the employee was with just cause based upon
4 the totality of the circumstances. For the purposes of this
5 subsection, the commission shall consider factors including
6 the nature of the conduct at issue in the circumstances, the
7 proportionality of the punishment to the conduct at issue,
8 the employee's work history, whether the employee reasonably
9 could comply with the policy or rule in the circumstances and
10 whether the employee's conduct was objectively reasonable in
11 the circumstances, the employee's defenses or justifications,
12 any mitigating or aggravating factors, whether the punishment
13 is reasonably calculated to correct the employee's behavior or
14 conduct, if the punishment is necessary to protect the public
15 interest, whether the city, its employees, or the appointing
16 authority acted in accordance with the law, city policies,
17 department rules, or standard operating procedures, or if the
18 policy failed in the circumstances. The commission shall only
19 consider, order, or impose discipline upon the employee for
20 charges proven by the city.

21 c. The commission shall reverse the city's decision and
22 dismiss a specific charge with prejudice if the city fails to
23 meet its burden of proof as to that charge.

24 d. The final decision of the commission shall be based upon
25 a majority vote of the commission, shall be made in writing,
26 and shall include findings of fact and conclusions relied upon,
27 and reasoning or rationale for the decision, separately stated.
28 The commission shall render and serve its final decision upon
29 the parties by certified mail within thirty days of the close
30 of the record or trial unless the parties consent to a later
31 date in writing or on the record. The final decision may be
32 served upon an employee by electronic mail with the consent of
33 the employee.

34 2. a. The Except as otherwise provided in this section,
35 the city attorney or solicitor shall be the attorney for the

1 commission or when requested by the commission shall present
2 matters concerning civil service employees to the commission,
3 except the commission may hire a counselor or an attorney
4 on a per diem basis to represent it when in the opinion of
5 the commission there is a conflict of interest between the
6 commission and the city council. The counselor or attorney
7 hired by the commission shall not be the city attorney or
8 solicitor. ~~The city shall pay the costs incurred by the~~
9 ~~commission in employing an attorney under this section.~~

10 b. Upon the filing of a notice of appeal pursuant to section
11 400.21, a city attorney, assistant city attorney, or solicitor
12 who represents or has represented the commission shall not
13 represent the city or its officers or employees in an appeal
14 pending before the commission unless the employee waives the
15 conflict of interest in writing or on the record. If the
16 commission is required to hire a counselor or attorney that
17 is not a city attorney, assistant city attorney, or solicitor
18 as provided in this subsection, the city shall pay the costs
19 incurred by the commission in employing a counselor or attorney
20 under this section, and the commission shall independently seek
21 and retain such an attorney.

22 c. A counselor or attorney who represents the commission
23 in an appeal before the commission shall be fair and impartial
24 toward the parties. The counselor or attorney representing the
25 commission may provide advice and counsel to the commission
26 on matters before it and assist the commission with its
27 proceedings and trial as may be necessary or requested.

28 3. The city or any civil service employee shall have a
29 right to appeal to the district court from the final ruling or
30 decision of the civil service commission. The appeal shall be
31 taken within thirty days from the filing service of the formal
32 decision of the commission. The district court of the county
33 in which the city is located shall have full jurisdiction
34 of the appeal. The scope of review for the appeal shall be
35 ~~limited to a trial de novo appellate review without a trial or~~

1 ~~additional evidence.~~

2 Sec. 11. Section 400.27, Code 2025, is amended by adding the
3 following new subsections:

4 NEW SUBSECTION. 2A. The commission shall provide for the
5 production of evidence and exchange of exhibits in advance of
6 trial. The city shall mark its exhibits with numbers. The
7 employee shall mark its exhibits with letters.

8 NEW SUBSECTION. 6. In addition to any other remedies
9 and relief, upon application, the district court may award
10 reasonable attorney fees, expert fees, and costs to those
11 employees who are defined as an "officer" under section 80F.1,
12 subsection 1, paragraph "f", and only when such employee meets
13 any of the following criteria:

14 a. The employee is fully reinstated from a termination
15 without discipline imposed.

16 b. The employee's suspension has been reduced by over fifty
17 percent.

18 c. The employee's demotion was reversed.

19 Sec. 12. EFFECTIVE DATE. This Act takes effect August 16,
20 2025.