

IN THE COURT OF APPEALS OF IOWA

No. 9-094 / 08-0596

Filed May 6, 2009

STEVEN C. LEWIS,
Plaintiff-Appellee,

vs.

**CIVIL SERVICE COMMISSION OF THE
CITY OF AMES, IOWA and CITY OF AMES, IOWA,**
Defendants-Appellants.

Appeal from the Iowa District Court for Story County, Michael J. Moon,
Judge.

Appellant appeals a decision by the district court reversing the Civil
Service Commission. **AFFIRMED.**

Judith Parks, City of Ames Legal Department, Ames, for appellant.

Jay Smith, Sioux City, for appellee.

Considered by Vogel, P.J., and Vaitheswaran and Eisenhauer, JJ.

VOGEL, P.J.

The City of Ames appeals the district court ruling reversing the Civil Service Commission's decision, which upheld the termination of employee Steven Lewis. His employment was terminated upon the temporary suspension of his driver's license, as driving was considered an essential part of his job. The City asserts that the termination was not arbitrary, because it was consistent with the employment policy. Our review of the district court's ruling is de novo, although we do give weight to the trial court's findings because of its opportunity to have personally observed the witnesses. *Mahaffey v. Civil Serv. Comm'n*, 350 N.W.2d 184, 185 (Iowa 1984).

A civil service employee cannot be arbitrarily discharged for failure to meet a civil service employer's employment qualification or standard. *City of Des Moines v. Civil Serv. Comm'n*, 540 N.W.2d 52, 58 (Iowa 1995). With regard to an agency action, the term "arbitrary" means that the action complained of was without regard to established rules or standards. *Mathis v. State Conservation Comm'n*, 369 N.W.2d 435, 437 (Iowa 1985).

The district court found that the City's decision to terminate Lewis's employment was arbitrary, and reversed the decision of the Civil Service Commission, reinstated Lewis's job, and awarded him lost compensation. The district court based this decision upon the temporary nature of Lewis's driver's license suspension; the alternative jobs he could have performed for the City; the

work permit¹ with ignition interlock system not being explored; and found the punishment excessive for his eighteen years of service. Upon our de novo review, we find the district court set forth a thorough recitation of the appropriate facts and reached a well reasoned legal conclusion that the City acted arbitrarily. We thus affirm pursuant to Iowa Court Rule 21.29 (1)(a),(d), and (e).

AFFIRMED.

¹ Although the City claims this was first presented by Lewis before the district court, the court found the City, “failed to offer Lewis this accommodation.” Since the burden is on the City to demonstrate its decision to terminate was not arbitrary, we agree with the district court’s finding.