



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB3050

Introduced 2/15/2018, by Sen. Andy Manar

SYNOPSIS AS INTRODUCED:

65 ILCS 5/10-1-7.3

65 ILCS 5/10-2.1-4

70 ILCS 705/16.04b

from Ch. 24, par. 10-2.1-4

Amends the Illinois Municipal Code and Fire Protection District Act. Expands the options for qualifications to be appointed a fire chief for greater than 180 days to include a current certification from the International Fire Service Accreditation Congress or Pro Board Fire Service Professional Qualifications System. Provides that the qualification requirements of a fire chief appointed for greater than 180 days does not apply to fire departments that service an area containing fewer than 15,000 people. Effective immediately.

LRB100 19868 AWJ 35148 b

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Municipal Code is amended by
5 changing Sections 10-1-7.3 and 10-2.1-4 as follows:

6 (65 ILCS 5/10-1-7.3)

7 Sec. 10-1-7.3. Appointment of fire chief. Notwithstanding
8 any other provision in this Division, after the effective date
9 of this amendatory Act of the 100th General Assembly ~~this~~
10 ~~amendatory Act of the 100th General Assembly~~, a person shall
11 not be appointed as the chief, the acting chief, the department
12 head, or a position, by whatever title, that is responsible for
13 day-to-day operations of a fire department for greater than 180
14 days unless he or she possesses the following qualifications
15 and certifications:

16 (1) Office of the State Fire Marshal Firefighter Basic
17 Certification or Firefighter II Certification; Office of
18 the State Fire Marshal Fire Officer I and II
19 Certifications; and an associate degree in fire science or
20 a bachelor's degree from an accredited university or
21 college; ~~or~~

22 (2) a minimum of 10 years' experience as a firefighter
23 at the fire department in the jurisdiction making the

1 appointment; ~~or-~~

2 (3) a current certification from the International
3 Fire Service Accreditation Congress or Pro Board Fire
4 Service Professional Qualifications System.

5 This Section applies to fire departments that employ
6 firefighters hired under Section 10-1-7.1 or 10-1-7.2 of this
7 Division. However, this Section does not apply to fire
8 departments that service an area containing fewer than 15,000
9 people.

10 (Source: P.A. 100-425, eff. 8-25-17.)

11 (65 ILCS 5/10-2.1-4) (from Ch. 24, par. 10-2.1-4)

12 Sec. 10-2.1-4. Fire and police departments; appointment of
13 members; certificates of appointments. The board of fire and
14 police commissioners shall appoint all officers and members of
15 the fire and police departments of the municipality, including
16 the chief of police and the chief of the fire department,
17 unless the council or board of trustees shall by ordinance as
18 to them otherwise provide; except as otherwise provided in this
19 Section, and except that in any municipality which adopts or
20 has adopted this Division 2.1 and also adopts or has adopted
21 Article 5 of this Code, the chief of police and the chief of
22 the fire department shall be appointed by the municipal
23 manager, if it is provided by ordinance in such municipality
24 that such chiefs, or either of them, shall not be appointed by
25 the board of fire and police commissioners.

1 If the chief of the fire department or the chief of the
2 police department or both of them are appointed in the manner
3 provided by ordinance, they may be removed or discharged by the
4 appointing authority. In such case the appointing authority
5 shall file with the corporate authorities the reasons for such
6 removal or discharge, which removal or discharge shall not
7 become effective unless confirmed by a majority vote of the
8 corporate authorities.

9 After the effective date of this amendatory Act of the
10 100th General Assembly ~~this amendatory Act of the 100th General~~
11 ~~Assembly~~, a person shall not be appointed as the chief, the
12 acting chief, the department head, or a position, by whatever
13 title, that is responsible for day-to-day operations of a fire
14 department for greater than 180 days unless he or she possesses
15 the following qualifications and certifications:

16 (1) Office of the State Fire Marshal Firefighter Basic
17 Certification or Firefighter II Certification; Office of
18 the State Fire Marshal Fire Officer I and II
19 Certifications; and an associate degree in fire science or
20 a bachelor's degree from an accredited university or
21 college; ~~or~~

22 (2) a minimum of 10 years' experience as a firefighter
23 at the fire department in the jurisdiction making the
24 appointment; or

25 (3) a current certification from the International
26 Fire Service Accreditation Congress or Pro Board Fire

1 Service Professional Qualifications System.

2 This paragraph applies to fire departments that employ
3 firefighters hired under the provisions of this Division.
4 However, this paragraph does not apply to fire departments that
5 service an area containing fewer than 15,000 people.

6 If a member of the department is appointed chief of police
7 or chief of the fire department prior to being eligible to
8 retire on pension, he shall be considered as on furlough from
9 the rank he held immediately prior to his appointment as chief.
10 If he resigns as chief or is discharged as chief prior to
11 attaining eligibility to retire on pension, he shall revert to
12 and be established in whatever rank he currently holds, except
13 for previously appointed positions, and thereafter be entitled
14 to all the benefits and emoluments of that rank, without regard
15 as to whether a vacancy then exists in that rank.

16 All appointments to each department other than that of the
17 lowest rank, however, shall be from the rank next below that to
18 which the appointment is made except as otherwise provided in
19 this Section, and except that the chief of police and the chief
20 of the fire department may be appointed from among members of
21 the police and fire departments, respectively, regardless of
22 rank, unless the council or board of trustees shall have by
23 ordinance as to them otherwise provided. A chief of police or
24 the chief of the fire department, having been appointed from
25 among members of the police or fire department, respectively,
26 shall be permitted, regardless of rank, to take promotional

1 exams and be promoted to a higher classified rank than he
2 currently holds, without having to resign as chief of police or
3 chief of the fire department.

4 The sole authority to issue certificates of appointment
5 shall be vested in the Board of Fire and Police Commissioners
6 and all certificates of appointments issued to any officer or
7 member of the fire or police department of a municipality shall
8 be signed by the chairman and secretary respectively of the
9 board of fire and police commissioners of such municipality,
10 upon appointment of such officer or member of the fire and
11 police department of such municipality by action of the board
12 of fire and police commissioners. After being selected from the
13 register of eligibles to fill a vacancy in the affected
14 department, each appointee shall be presented with his or her
15 certificate of appointment on the day on which he or she is
16 sworn in as a classified member of the affected department.
17 Firefighters who were not issued a certificate of appointment
18 when originally appointed shall be provided with a certificate
19 within 10 days after making a written request to the
20 chairperson of the Board of Fire and Police Commissioners. In
21 any municipal fire department that employs full-time
22 firefighters and is subject to a collective bargaining
23 agreement, a person who has not qualified for regular
24 appointment under the provisions of this Division 2.1 shall not
25 be used as a temporary or permanent substitute for classified
26 members of a municipality's fire department or for regular

1 appointment as a classified member of a municipality's fire
2 department unless mutually agreed to by the employee's
3 certified bargaining agent. Such agreement shall be considered
4 a permissive subject of bargaining. Municipal fire departments
5 covered by the changes made by Public Act 95-490 ~~this~~
6 ~~amendatory Act of the 95th General Assembly~~ that are using
7 non-certificated employees as substitutes immediately prior to
8 June 1, 2008 (the effective date of Public Act 95-490) ~~this~~
9 ~~amendatory Act of the 95th General Assembly~~ may, by mutual
10 agreement with the certified bargaining agent, continue the
11 existing practice or a modified practice and that agreement
12 shall be considered a permissive subject of bargaining. A home
13 rule unit may not regulate the hiring of temporary or
14 substitute members of the municipality's fire department in a
15 manner that is inconsistent with this Section. This Section is
16 a limitation under subsection (i) of Section 6 of Article VII
17 of the Illinois Constitution on the concurrent exercise by home
18 rule units of powers and functions exercised by the State.

19 The term "policemen" as used in this Division does not
20 include auxiliary police officers except as provided for in
21 Section 10-2.1-6.

22 Any full-time ~~full-time~~ member of a regular fire or police
23 department of any municipality which comes under the provisions
24 of this Division or adopts this Division 2.1 or which has
25 adopted any of the prior Acts pertaining to fire and police
26 commissioners, is a city officer.

1 Notwithstanding any other provision of this Section, the
2 Chief of Police of a department in a non-home rule municipality
3 of more than 130,000 inhabitants may, without the advice or
4 consent of the Board of Fire and Police Commissioners, appoint
5 up to 6 officers who shall be known as deputy chiefs or
6 assistant deputy chiefs, and whose rank shall be immediately
7 below that of Chief. The deputy or assistant deputy chiefs may
8 be appointed from any rank of sworn officers of that
9 municipality, but no person who is not such a sworn officer may
10 be so appointed. Such deputy chief or assistant deputy chief
11 shall have the authority to direct and issue orders to all
12 employees of the Department holding the rank of captain or any
13 lower rank. A deputy chief of police or assistant deputy chief
14 of police, having been appointed from any rank of sworn
15 officers of that municipality, shall be permitted, regardless
16 of rank, to take promotional exams and be promoted to a higher
17 classified rank than he currently holds, without having to
18 resign as deputy chief of police or assistant deputy chief of
19 police.

20 Notwithstanding any other provision of this Section, a
21 non-home rule municipality of 130,000 or fewer inhabitants,
22 through its council or board of trustees, may, by ordinance,
23 provide for a position of deputy chief to be appointed by the
24 chief of the police department. The ordinance shall provide for
25 no more than one deputy chief position if the police department
26 has fewer than 25 full-time police officers and for no more

1 than 2 deputy chief positions if the police department has 25
2 or more full-time police officers. The deputy chief position
3 shall be an exempt rank immediately below that of Chief. The
4 deputy chief may be appointed from any rank of sworn, full-time
5 officers of the municipality's police department, but must have
6 at least 5 years of full-time service as a police officer in
7 that department. A deputy chief shall serve at the discretion
8 of the Chief and, if removed from the position, shall revert to
9 the rank currently held, without regard as to whether a vacancy
10 exists in that rank. A deputy chief of police, having been
11 appointed from any rank of sworn full-time officers of that
12 municipality's police department, shall be permitted,
13 regardless of rank, to take promotional exams and be promoted
14 to a higher classified rank than he currently holds, without
15 having to resign as deputy chief of police.

16 No municipality having a population less than 1,000,000
17 shall require that any firefighter appointed to the lowest rank
18 serve a probationary employment period of longer than one year.
19 The limitation on periods of probationary employment provided
20 in Public Act 86-990 ~~this amendatory Act of 1989~~ is an
21 exclusive power and function of the State. Pursuant to
22 subsection (h) of Section 6 of Article VII of the Illinois
23 Constitution, a home rule municipality having a population less
24 than 1,000,000 must comply with this limitation on periods of
25 probationary employment, which is a denial and limitation of
26 home rule powers. Notwithstanding anything to the contrary in

1 this Section, the probationary employment period limitation
2 may be extended for a firefighter who is required, as a
3 condition of employment, to be a licensed paramedic, during
4 which time the sole reason that a firefighter may be discharged
5 without a hearing is for failing to meet the requirements for
6 paramedic licensure.

7 To the extent that this Section or any other Section in
8 this Division conflicts with Section 10-2.1-6.3 or 10-2.1-6.4,
9 then Section 10-2.1-6.3 or 10-2.1-6.4 shall control.

10 (Source: P.A. 100-252, eff. 8-22-17; 100-425, eff. 8-25-17;
11 revised 10-3-17.)

12 Section 10. The Fire Protection District Act is amended by
13 changing Section 16.04b as follows:

14 (70 ILCS 705/16.04b)

15 Sec. 16.04b. Appointment of fire chief. Notwithstanding
16 any other provision in this Act, after the effective date of
17 this amendatory Act of the 100th General Assembly ~~this~~
18 ~~amendatory Act of the 100th General Assembly~~, a person shall
19 not be appointed as the chief, the acting chief, the department
20 head, or a position, by whatever title, that is responsible for
21 day-to-day operations of a fire protection district for greater
22 than 180 days unless he or she possesses the following
23 qualifications and certifications:

24 (1) Office of the State Fire Marshal Firefighter Basic

1 Certification or Firefighter II Certification; Office of
2 the State Fire Marshal Fire Officer I and II
3 Certifications; and an associate degree in fire science or
4 a bachelor's degree from an accredited university or
5 college; ~~or~~

6 (2) a minimum of 10 years' experience as a firefighter
7 in the fire protection district of the jurisdiction making
8 the appointment; and.

9 (3) a current certification from the International
10 Fire Service Accreditation Congress or Pro Board Fire
11 Service Professional Qualifications System.

12 This Section applies to fire protection districts that
13 employ firefighters hired under the provisions of this Act.
14 However, this Section does not apply to fire departments that
15 service an area containing fewer than 15,000 people.

16 (Source: P.A. 100-425, eff. 8-25-17.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.