



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB1098

Introduced 1/9/2025, by Rep. Jed Davis

#### SYNOPSIS AS INTRODUCED:

65 ILCS 5/10-1-7.1  
65 ILCS 5/10-2.1-6.3  
70 ILCS 705/16.06b

Amends the Municipal Code and the Fire Protection District Act. Provides that no person under the age of 18 (rather than 21) shall be eligible for employment as a firefighter.

LRB104 04060 RTM 14084 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 10-1-7.1 and 10-2.1-6.3 as follows:

6 (65 ILCS 5/10-1-7.1)

7 Sec. 10-1-7.1. Original appointments; full-time fire  
8 department.

9 (a) Applicability. Unless a commission elects to follow  
10 the provisions of Section 10-1-7.2, this Section shall apply  
11 to all original appointments to an affected full-time fire  
12 department. Existing registers of eligibles shall continue to  
13 be valid until their expiration dates, or up to a maximum of 2  
14 years after August 4, 2011 (the effective date of Public Act  
15 97-251).

16 Notwithstanding any statute, ordinance, rule, or other law  
17 to the contrary, all original appointments to an affected  
18 department to which this Section applies shall be administered  
19 in the manner provided for in this Section. Provisions of the  
20 Illinois Municipal Code, municipal ordinances, and rules  
21 adopted pursuant to such authority and other laws relating to  
22 initial hiring of firefighters in affected departments shall  
23 continue to apply to the extent they are compatible with this

1 Section, but in the event of a conflict between this Section  
2 and any other law, this Section shall control.

3 A home rule or non-home rule municipality may not  
4 administer its fire department process for original  
5 appointments in a manner that is less stringent than this  
6 Section. This Section is a limitation under subsection (i) of  
7 Section 6 of Article VII of the Illinois Constitution on the  
8 concurrent exercise by home rule units of the powers and  
9 functions exercised by the State.

10 A municipality that is operating under a court order or  
11 consent decree regarding original appointments to a full-time  
12 fire department before August 4, 2011 (the effective date of  
13 Public Act 97-251) is exempt from the requirements of this  
14 Section for the duration of the court order or consent decree.

15 Notwithstanding any other provision of this subsection  
16 (a), this Section does not apply to a municipality with more  
17 than 1,000,000 inhabitants.

18 (b) Original appointments. All original appointments made  
19 to an affected fire department shall be made from a register of  
20 eligibles established in accordance with the processes  
21 established by this Section. Only persons who meet or exceed  
22 the performance standards required by this Section shall be  
23 placed on a register of eligibles for original appointment to  
24 an affected fire department.

25 Whenever an appointing authority authorizes action to hire  
26 a person to perform the duties of a firefighter or to hire a

1 firefighter-paramedic to fill a position that is a new  
2 position or vacancy due to resignation, discharge, promotion,  
3 death, the granting of a disability or retirement pension, or  
4 any other cause, the appointing authority shall appoint to  
5 that position the person with the highest ranking on the final  
6 eligibility list. If the appointing authority has reason to  
7 conclude that the highest ranked person fails to meet the  
8 minimum standards for the position or if the appointing  
9 authority believes an alternate candidate would better serve  
10 the needs of the department, then the appointing authority has  
11 the right to pass over the highest ranked person and appoint  
12 either: (i) any person who has a ranking in the top 5% of the  
13 register of eligibles or (ii) any person who is among the top 5  
14 highest ranked persons on the list of eligibles if the number  
15 of people who have a ranking in the top 5% of the register of  
16 eligibles is less than 5 people.

17 Any candidate may pass on an appointment once without  
18 losing his or her position on the register of eligibles. Any  
19 candidate who passes a second time may be removed from the list  
20 by the appointing authority provided that such action shall  
21 not prejudice a person's opportunities to participate in  
22 future examinations, including an examination held during the  
23 time a candidate is already on the municipality's register of  
24 eligibles.

25 The sole authority to issue certificates of appointment  
26 shall be vested in the Civil Service Commission. All

1 certificates of appointment issued to any officer or member of  
2 an affected department shall be signed by the chairperson and  
3 secretary, respectively, of the commission upon appointment of  
4 such officer or member to the affected department by the  
5 commission. After being selected from the register of  
6 eligibles to fill a vacancy in the affected department, each  
7 appointee shall be presented with his or her certificate of  
8 appointment on the day on which he or she is sworn in as a  
9 classified member of the affected department. Firefighters who  
10 were not issued a certificate of appointment when originally  
11 appointed shall be provided with a certificate within 10 days  
12 after making a written request to the chairperson of the Civil  
13 Service Commission. Each person who accepts a certificate of  
14 appointment and successfully completes his or her probationary  
15 period shall be enrolled as a firefighter and as a regular  
16 member of the fire department.

17 For the purposes of this Section, "firefighter" means any  
18 person who has been prior to, on, or after August 4, 2011 (the  
19 effective date of Public Act 97-251) appointed to a fire  
20 department or fire protection district or employed by a State  
21 university and sworn or commissioned to perform firefighter  
22 duties or paramedic duties, or both, except that the following  
23 persons are not included: part-time firefighters; auxiliary,  
24 reserve, or voluntary firefighters, including paid-on-call  
25 firefighters; clerks and dispatchers or other civilian  
26 employees of a fire department or fire protection district who

1 are not routinely expected to perform firefighter duties; and  
2 elected officials.

3 (c) Qualification for placement on register of eligibles.

4 The purpose of establishing a register of eligibles is to  
5 identify applicants who possess and demonstrate the mental  
6 aptitude and physical ability to perform the duties required  
7 of members of the fire department in order to provide the  
8 highest quality of service to the public. To this end, all  
9 applicants for original appointment to an affected fire  
10 department shall be subject to examination and testing which  
11 shall be public, competitive, and open to all applicants  
12 unless the municipality shall by ordinance limit applicants to  
13 residents of the municipality, county or counties in which the  
14 municipality is located, State, or nation. Any examination and  
15 testing procedure utilized under subsection (e) of this  
16 Section shall be supported by appropriate validation evidence  
17 and shall comply with all applicable State and federal laws.  
18 Municipalities may establish educational, emergency medical  
19 service licensure, and other prerequisites for participation  
20 in an examination or for hire as a firefighter. Any  
21 municipality may charge a fee to cover the costs of the  
22 application process.

23 Residency requirements in effect at the time an individual  
24 enters the fire service of a municipality cannot be made more  
25 restrictive for that individual during his or her period of  
26 service for that municipality, or be made a condition of

1 promotion, except for the rank or position of fire chief and  
2 for no more than 2 positions that rank immediately below that  
3 of the chief rank which are appointed positions pursuant to  
4 the Fire Department Promotion Act.

5 No person who is 35 years of age or older shall be eligible  
6 to take an examination for a position as a firefighter unless  
7 the person has had previous employment status as a firefighter  
8 in the regularly constituted fire department of the  
9 municipality, except as provided in this Section. The age  
10 limitation does not apply to:

11 (1) any person previously employed as a full-time  
12 firefighter in a regularly constituted fire department of  
13 (i) any municipality or fire protection district located  
14 in Illinois, (ii) a fire protection district whose  
15 obligations were assumed by a municipality under Section  
16 21 of the Fire Protection District Act, or (iii) a  
17 municipality whose obligations were taken over by a fire  
18 protection district,

19 (2) any person who has served a municipality as a  
20 regularly enrolled volunteer, paid-on-call, or part-time  
21 firefighter, or

22 (3) any person who turned 35 while serving as a member  
23 of the active or reserve components of any of the branches  
24 of the Armed Forces of the United States or the National  
25 Guard of any state, whose service was characterized as  
26 honorable or under honorable, if separated from the

1 military, and is currently under the age of 40.

2 No person who is under 18 ~~21~~ years of age shall be eligible  
3 for employment as a firefighter.

4 No applicant shall be examined concerning his or her  
5 political or religious opinions or affiliations. The  
6 examinations shall be conducted by the commissioners of the  
7 municipality or their designees and agents.

8 No municipality shall require that any firefighter  
9 appointed to the lowest rank serve a probationary employment  
10 period of longer than one year of actual active employment,  
11 which may exclude periods of training, or injury or illness  
12 leaves, including duty related leave, in excess of 30 calendar  
13 days. Notwithstanding anything to the contrary in this  
14 Section, the probationary employment period limitation may be  
15 extended for a firefighter who is required, as a condition of  
16 employment, to be a licensed paramedic, during which time the  
17 sole reason that a firefighter may be discharged without a  
18 hearing is for failing to meet the requirements for paramedic  
19 licensure.

20 In the event that any applicant who has been found  
21 eligible for appointment and whose name has been placed upon  
22 the final eligibility register provided for in this Division 1  
23 has not been appointed to a firefighter position within one  
24 year after the date of his or her physical ability  
25 examination, the commission may cause a second examination to  
26 be made of that applicant's physical ability prior to his or

1 her appointment. If, after the second examination, the  
2 physical ability of the applicant shall be found to be less  
3 than the minimum standard fixed by the rules of the  
4 commission, the applicant shall not be appointed. The  
5 applicant's name may be retained upon the register of  
6 candidates eligible for appointment and when next reached for  
7 certification and appointment that applicant may be again  
8 examined as provided in this Section, and if the physical  
9 ability of that applicant is found to be less than the minimum  
10 standard fixed by the rules of the commission, the applicant  
11 shall not be appointed, and the name of the applicant shall be  
12 removed from the register.

13 (d) Notice, examination, and testing components. Notice of  
14 the time, place, general scope, merit criteria for any  
15 subjective component, and fee of every examination shall be  
16 given by the commission, by a publication at least 2 weeks  
17 preceding the examination: (i) in one or more newspapers  
18 published in the municipality, or if no newspaper is published  
19 therein, then in one or more newspapers with a general  
20 circulation within the municipality, or (ii) on the  
21 municipality's Internet website. Additional notice of the  
22 examination may be given as the commission shall prescribe.

23 The examination and qualifying standards for employment of  
24 firefighters shall be based on: mental aptitude, physical  
25 ability, preferences, moral character, and health. The mental  
26 aptitude, physical ability, and preference components shall

1 determine an applicant's qualification for and placement on  
2 the final register of eligibles. The examination may also  
3 include a subjective component based on merit criteria as  
4 determined by the commission. Scores from the examination must  
5 be made available to the public.

6 (e) Mental aptitude. No person who does not possess at  
7 least a high school diploma or an equivalent high school  
8 education shall be placed on a register of eligibles.  
9 Examination of an applicant's mental aptitude shall be based  
10 upon a written examination. The examination shall be practical  
11 in character and relate to those matters that fairly test the  
12 capacity of the persons examined to discharge the duties  
13 performed by members of a fire department. Written  
14 examinations shall be administered in a manner that ensures  
15 the security and accuracy of the scores achieved.

16 (f) Physical ability. All candidates shall be required to  
17 undergo an examination of their physical ability to perform  
18 the essential functions included in the duties they may be  
19 called upon to perform as a member of a fire department. For  
20 the purposes of this Section, essential functions of the job  
21 are functions associated with duties that a firefighter may be  
22 called upon to perform in response to emergency calls. The  
23 frequency of the occurrence of those duties as part of the fire  
24 department's regular routine shall not be a controlling factor  
25 in the design of examination criteria or evolutions selected  
26 for testing. These physical examinations shall be open,

1 competitive, and based on industry standards designed to test  
2 each applicant's physical abilities in the following  
3 dimensions:

4 (1) Muscular strength to perform tasks and evolutions  
5 that may be required in the performance of duties  
6 including grip strength, leg strength, and arm strength.  
7 Tests shall be conducted under anaerobic as well as  
8 aerobic conditions to test both the candidate's speed and  
9 endurance in performing tasks and evolutions. Tasks tested  
10 may be based on standards developed, or approved, by the  
11 local appointing authority.

12 (2) The ability to climb ladders, operate from  
13 heights, walk or crawl in the dark along narrow and uneven  
14 surfaces, and operate in proximity to hazardous  
15 environments.

16 (3) The ability to carry out critical, time-sensitive,  
17 and complex problem solving during physical exertion in  
18 stressful and hazardous environments. The testing  
19 environment may be hot and dark with tightly enclosed  
20 spaces, flashing lights, sirens, and other distractions.

21 The tests utilized to measure each applicant's  
22 capabilities in each of these dimensions may be tests based on  
23 industry standards currently in use or equivalent tests  
24 approved by the Joint Labor-Management Committee of the Office  
25 of the State Fire Marshal.

26 Physical ability examinations administered under this

1 Section shall be conducted with a reasonable number of  
2 proctors and monitors, open to the public, and subject to  
3 reasonable regulations of the commission.

4 (g) Scoring of examination components. Appointing  
5 authorities may create a preliminary eligibility register. A  
6 person shall be placed on the list based upon his or her  
7 passage of the written examination or the passage of the  
8 written examination and the physical ability component.  
9 Passage of the written examination means attaining the minimum  
10 score set by the commission. Minimum scores should be set by  
11 the commission so as to demonstrate a candidate's ability to  
12 perform the essential functions of the job. The minimum score  
13 set by the commission shall be supported by appropriate  
14 validation evidence and shall comply with all applicable State  
15 and federal laws. The appointing authority may conduct the  
16 physical ability component and any subjective components  
17 subsequent to the posting of the preliminary eligibility  
18 register.

19 The examination components for an initial eligibility  
20 register shall be graded on a 100-point scale. A person's  
21 position on the list shall be determined by the following: (i)  
22 the person's score on the written examination, (ii) the person  
23 successfully passing the physical ability component, and (iii)  
24 the person's results on any subjective component as described  
25 in subsection (d).

26 In order to qualify for placement on the final eligibility

1 register, an applicant's score on the written examination,  
2 before any applicable preference points or subjective points  
3 are applied, shall be at or above the minimum score set by the  
4 commission. The local appointing authority may prescribe the  
5 score to qualify for placement on the final eligibility  
6 register, but the score shall not be less than the minimum  
7 score set by the commission.

8 The commission shall prepare and keep a register of  
9 persons whose total score is not less than the minimum score  
10 for passage and who have passed the physical ability  
11 examination. These persons shall take rank upon the register  
12 as candidates in the order of their relative excellence based  
13 on the highest to the lowest total points scored on the mental  
14 aptitude, subjective component, and preference components of  
15 the test administered in accordance with this Section. No more  
16 than 60 days after each examination, an initial eligibility  
17 list shall be posted by the commission. The list shall include  
18 the final grades of the candidates without reference to  
19 priority of the time of examination and subject to claim for  
20 preference credit.

21 Commissions may conduct additional examinations, including  
22 without limitation a polygraph test, after a final eligibility  
23 register is established and before it expires with the  
24 candidates ranked by total score without regard to date of  
25 examination. No more than 60 days after each examination, an  
26 initial eligibility list shall be posted by the commission

1 showing the final grades of the candidates without reference  
2 to priority of time of examination and subject to claim for  
3 preference credit.

4 (h) Preferences. The following are preferences:

5 (1) Veteran preference. Persons who were engaged in  
6 the military service of the United States for a period of  
7 at least one year of active duty and who were honorably  
8 discharged therefrom, or who are now or have been members  
9 on inactive or reserve duty in such military or naval  
10 service, shall be preferred for appointment to and  
11 employment with the fire department of an affected  
12 department.

13 (2) Fire cadet preference. Persons who have  
14 successfully completed 2 years of study in fire techniques  
15 or cadet training within a cadet program established under  
16 the rules of the Joint Labor and Management Committee  
17 (JLMC), as defined in Section 50 of the Fire Department  
18 Promotion Act, may be preferred for appointment to and  
19 employment with the fire department.

20 (3) Educational preference. Persons who have  
21 successfully obtained an associate's degree in the field  
22 of fire service or emergency medical services, or a  
23 bachelor's degree from an accredited college or university  
24 may be preferred for appointment to and employment with  
25 the fire department.

26 (4) Paramedic preference. Persons who have obtained a

1 license as a paramedic may be preferred for appointment to  
2 and employment with the fire department of an affected  
3 department providing emergency medical services.

4 (5) Experience preference. All persons employed by a  
5 municipality who have been paid-on-call or part-time  
6 certified Firefighter II, certified Firefighter III, State  
7 of Illinois or nationally licensed EMT, EMT-I, A-EMT, or  
8 paramedic, or any combination of those capacities may be  
9 awarded up to a maximum of 5 points. However, the  
10 applicant may not be awarded more than 0.5 points for each  
11 complete year of paid-on-call or part-time service.  
12 Applicants from outside the municipality who were employed  
13 as full-time firefighters or firefighter-paramedics by a  
14 fire protection district or another municipality may be  
15 awarded up to 5 experience preference points. However, the  
16 applicant may not be awarded more than one point for each  
17 complete year of full-time service.

18 Upon request by the commission, the governing body of  
19 the municipality or in the case of applicants from outside  
20 the municipality the governing body of any fire protection  
21 district or any other municipality shall certify to the  
22 commission, within 10 days after the request, the number  
23 of years of successful paid-on-call, part-time, or  
24 full-time service of any person. A candidate may not  
25 receive the full amount of preference points under this  
26 subsection if the amount of points awarded would place the

1 candidate before a veteran on the eligibility list. If  
2 more than one candidate receiving experience preference  
3 points is prevented from receiving all of their points due  
4 to not being allowed to pass a veteran, the candidates  
5 shall be placed on the list below the veteran in rank order  
6 based on the totals received if all points under this  
7 subsection were to be awarded. Any remaining ties on the  
8 list shall be determined by lot.

9 (6) Residency preference. Applicants whose principal  
10 residence is located within the fire department's  
11 jurisdiction may be preferred for appointment to and  
12 employment with the fire department.

13 (7) Additional preferences. Up to 5 additional  
14 preference points may be awarded for unique categories  
15 based on an applicant's experience or background as  
16 identified by the commission.

17 (7.5) Apprentice preferences. A person who has  
18 performed fire suppression service for a department as a  
19 firefighter apprentice and otherwise meets the  
20 qualifications for original appointment as a firefighter  
21 specified in this Section may be awarded up to 20  
22 preference points. To qualify for preference points, an  
23 applicant shall have completed a minimum of 600 hours of  
24 fire suppression work on a regular shift for the affected  
25 fire department over a 12-month period. The fire  
26 suppression work must be in accordance with Section

1 10-1-14 of this Division and the terms established by a  
2 Joint Apprenticeship Committee included in a collective  
3 bargaining agreement agreed between the employer and its  
4 certified bargaining agent. An eligible applicant must  
5 apply to the Joint Apprenticeship Committee for preference  
6 points under this item. The Joint Apprenticeship Committee  
7 shall evaluate the merit of the applicant's performance,  
8 determine the preference points to be awarded, and certify  
9 the amount of points awarded to the commissioners. The  
10 commissioners may add the certified preference points to  
11 the final grades achieved by the applicant on the other  
12 components of the examination.

13 (8) Scoring of preferences. The commission shall give  
14 preference for original appointment to persons designated  
15 in item (1) by adding to the final grade that they receive  
16 5 points for the recognized preference achieved. The  
17 commission may give preference for original appointment to  
18 persons designated in item (7.5) by adding to the final  
19 grade the amount of points designated by the Joint  
20 Apprenticeship Committee as defined in item (7.5). The  
21 commission shall determine the number of preference points  
22 for each category, except items (1) and (7.5). The number  
23 of preference points for each category shall range from 0  
24 to 5, except item (7.5). In determining the number of  
25 preference points, the commission shall prescribe that if  
26 a candidate earns the maximum number of preference points

1 in all categories except item (7.5), that number may not  
2 be less than 10 nor more than 30. The commission shall give  
3 preference for original appointment to persons designated  
4 in items (2) through (7) by adding the requisite number of  
5 points to the final grade for each recognized preference  
6 achieved. The numerical result thus attained shall be  
7 applied by the commission in determining the final  
8 eligibility list and appointment from the eligibility  
9 list. The local appointing authority may prescribe the  
10 total number of preference points awarded under this  
11 Section, but the total number of preference points, except  
12 item (7.5), shall not be less than 10 points or more than  
13 30 points. Apprentice preference points may be added in  
14 addition to other preference points awarded by the  
15 commission.

16 No person entitled to any preference shall be required to  
17 claim the credit before any examination held under the  
18 provisions of this Section, but the preference shall be given  
19 after the posting or publication of the initial eligibility  
20 list or register at the request of a person entitled to a  
21 credit before any certification or appointments are made from  
22 the eligibility register, upon the furnishing of verifiable  
23 evidence and proof of qualifying preference credit. Candidates  
24 who are eligible for preference credit shall make a claim in  
25 writing within 10 days after the posting of the initial  
26 eligibility list, or the claim shall be deemed waived. Final

1 eligibility registers shall be established after the awarding  
2 of verified preference points. However, apprentice preference  
3 credit earned subsequent to the establishment of the final  
4 eligibility register may be applied to the applicant's score  
5 upon certification by the Joint Apprenticeship Committee to  
6 the commission and the rank order of candidates on the final  
7 eligibility register shall be adjusted accordingly. All  
8 employment shall be subject to the commission's initial hire  
9 background review, including, but not limited to, criminal  
10 history, employment history, moral character, oral  
11 examination, and medical and psychological examinations, all  
12 on a pass-fail basis. The medical and psychological  
13 examinations must be conducted last, and may only be performed  
14 after a conditional offer of employment has been extended.

15 Any person placed on an eligibility list who exceeds the  
16 age requirement before being appointed to a fire department  
17 shall remain eligible for appointment until the list is  
18 abolished, or his or her name has been on the list for a period  
19 of 2 years. No person who has attained the age of 35 years  
20 shall be inducted into a fire department, except as otherwise  
21 provided in this Section.

22 The commission shall strike off the names of candidates  
23 for original appointment after the names have been on the list  
24 for more than 2 years.

25 (i) Moral character. No person shall be appointed to a  
26 fire department unless he or she is a person of good character;

1 not a habitual drunkard, a gambler, or a person who has been  
2 convicted of a felony or a crime involving moral turpitude.  
3 However, no person shall be disqualified from appointment to  
4 the fire department because of the person's record of  
5 misdemeanor convictions except those under Sections 11-6,  
6 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,  
7 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,  
8 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and paragraphs  
9 (1), (6), and (8) of subsection (a) of Section 24-1 of the  
10 Criminal Code of 1961 or the Criminal Code of 2012, or arrest  
11 for any cause without conviction thereon. Any such person who  
12 is in the department may be removed on charges brought for  
13 violating this subsection and after a trial as hereinafter  
14 provided.

15 A classifiable set of the fingerprints of every person who  
16 is offered employment as a certificated member of an affected  
17 fire department whether with or without compensation, shall be  
18 furnished to the Illinois State Police and to the Federal  
19 Bureau of Investigation by the commission.

20 Whenever a commission is authorized or required by law to  
21 consider some aspect of criminal history record information  
22 for the purpose of carrying out its statutory powers and  
23 responsibilities, then, upon request and payment of fees in  
24 conformance with the requirements of Section 2605-400 of the  
25 Illinois State Police Law of the Civil Administrative Code of  
26 Illinois, the Illinois State Police is authorized to furnish,

1 pursuant to positive identification, the information contained  
2 in State files as is necessary to fulfill the request.

3 (j) Temporary appointments. In order to prevent a stoppage  
4 of public business, to meet extraordinary exigencies, or to  
5 prevent material impairment of the fire department, the  
6 commission may make temporary appointments, to remain in force  
7 only until regular appointments are made under the provisions  
8 of this Division, but never to exceed 60 days. No temporary  
9 appointment of any one person shall be made more than twice in  
10 any calendar year.

11 (k) A person who knowingly divulges or receives test  
12 questions or answers before a written examination, or  
13 otherwise knowingly violates or subverts any requirement of  
14 this Section, commits a violation of this Section and may be  
15 subject to charges for official misconduct.

16 A person who is the knowing recipient of test information  
17 in advance of the examination shall be disqualified from the  
18 examination or discharged from the position to which he or she  
19 was appointed, as applicable, and otherwise subjected to  
20 disciplinary actions.

21 (Source: P.A. 101-489, eff. 8-23-19; 102-375, eff. 8-13-21;  
22 102-538, eff. 8-20-21; 102-558, eff. 8-20-21; 102-813, eff.  
23 5-13-22.)

24 (65 ILCS 5/10-2.1-6.3)

25 Sec. 10-2.1-6.3. Original appointments; full-time fire

1 department.

2 (a) Applicability. Unless a commission elects to follow  
3 the provisions of Section 10-2.1-6.4, this Section shall apply  
4 to all original appointments to an affected full-time fire  
5 department. Existing registers of eligibles shall continue to  
6 be valid until their expiration dates, or up to a maximum of 2  
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9 Notwithstanding any statute, ordinance, rule, or other law  
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13 Illinois Municipal Code, municipal ordinances, and rules  
14 adopted pursuant to such authority and other laws relating to  
15 initial hiring of firefighters in affected departments shall  
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17 Section, but in the event of a conflict between this Section  
18 and any other law, this Section shall control.

19 A home rule or non-home rule municipality may not  
20 administer its fire department process for original  
21 appointments in a manner that is less stringent than this  
22 Section. This Section is a limitation under subsection (i) of  
23 Section 6 of Article VII of the Illinois Constitution on the  
24 concurrent exercise by home rule units of the powers and  
25 functions exercised by the State.

26 A municipality that is operating under a court order or

1 consent decree regarding original appointments to a full-time  
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3 Public Act 97-251) is exempt from the requirements of this  
4 Section for the duration of the court order or consent decree.

5 Notwithstanding any other provision of this subsection  
6 (a), this Section does not apply to a municipality with more  
7 than 1,000,000 inhabitants.

8 (b) Original appointments. All original appointments made  
9 to an affected fire department shall be made from a register of  
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11 established by this Section. Only persons who meet or exceed  
12 the performance standards required by this Section shall be  
13 placed on a register of eligibles for original appointment to  
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15 Whenever an appointing authority authorizes action to hire  
16 a person to perform the duties of a firefighter or to hire a  
17 firefighter-paramedic to fill a position that is a new  
18 position or vacancy due to resignation, discharge, promotion,  
19 death, the granting of a disability or retirement pension, or  
20 any other cause, the appointing authority shall appoint to  
21 that position the person with the highest ranking on the final  
22 eligibility list. If the appointing authority has reason to  
23 conclude that the highest ranked person fails to meet the  
24 minimum standards for the position or if the appointing  
25 authority believes an alternate candidate would better serve  
26 the needs of the department, then the appointing authority has

1 the right to pass over the highest ranked person and appoint  
2 either: (i) any person who has a ranking in the top 5% of the  
3 register of eligibles or (ii) any person who is among the top 5  
4 highest ranked persons on the list of eligibles if the number  
5 of people who have a ranking in the top 5% of the register of  
6 eligibles is less than 5 people.

7 Any candidate may pass on an appointment once without  
8 losing his or her position on the register of eligibles. Any  
9 candidate who passes a second time may be removed from the list  
10 by the appointing authority provided that such action shall  
11 not prejudice a person's opportunities to participate in  
12 future examinations, including an examination held during the  
13 time a candidate is already on the municipality's register of  
14 eligibles.

15 The sole authority to issue certificates of appointment  
16 shall be vested in the board of fire and police commissioners.  
17 All certificates of appointment issued to any officer or  
18 member of an affected department shall be signed by the  
19 chairperson and secretary, respectively, of the board upon  
20 appointment of such officer or member to the affected  
21 department by action of the board. After being selected from  
22 the register of eligibles to fill a vacancy in the affected  
23 department, each appointee shall be presented with his or her  
24 certificate of appointment on the day on which he or she is  
25 sworn in as a classified member of the affected department.  
26 Firefighters who were not issued a certificate of appointment

1 when originally appointed shall be provided with a certificate  
2 within 10 days after making a written request to the  
3 chairperson of the board of fire and police commissioners.  
4 Each person who accepts a certificate of appointment and  
5 successfully completes his or her probationary period shall be  
6 enrolled as a firefighter and as a regular member of the fire  
7 department.

8 For the purposes of this Section, "firefighter" means any  
9 person who has been prior to, on, or after August 4, 2011 (the  
10 effective date of Public Act 97-251) appointed to a fire  
11 department or fire protection district or employed by a State  
12 university and sworn or commissioned to perform firefighter  
13 duties or paramedic duties, or both, except that the following  
14 persons are not included: part-time firefighters; auxiliary,  
15 reserve, or voluntary firefighters, including paid-on-call  
16 firefighters; clerks and dispatchers or other civilian  
17 employees of a fire department or fire protection district who  
18 are not routinely expected to perform firefighter duties; and  
19 elected officials.

20 (c) Qualification for placement on register of eligibles.  
21 The purpose of establishing a register of eligibles is to  
22 identify applicants who possess and demonstrate the mental  
23 aptitude and physical ability to perform the duties required  
24 of members of the fire department in order to provide the  
25 highest quality of service to the public. To this end, all  
26 applicants for original appointment to an affected fire

1 department shall be subject to examination and testing which  
2 shall be public, competitive, and open to all applicants  
3 unless the municipality shall by ordinance limit applicants to  
4 residents of the municipality, county or counties in which the  
5 municipality is located, State, or nation. Any examination and  
6 testing procedure utilized under subsection (e) of this  
7 Section shall be supported by appropriate validation evidence  
8 and shall comply with all applicable State and federal laws.  
9 Municipalities may establish educational, emergency medical  
10 service licensure, and other prerequisites for participation  
11 in an examination or for hire as a firefighter. Any  
12 municipality may charge a fee to cover the costs of the  
13 application process.

14 Residency requirements in effect at the time an individual  
15 enters the fire service of a municipality cannot be made more  
16 restrictive for that individual during his or her period of  
17 service for that municipality, or be made a condition of  
18 promotion, except for the rank or position of fire chief and  
19 for no more than 2 positions that rank immediately below that  
20 of the chief rank which are appointed positions pursuant to  
21 the Fire Department Promotion Act.

22 No person who is 35 years of age or older shall be eligible  
23 to take an examination for a position as a firefighter unless  
24 the person has had previous employment status as a firefighter  
25 in the regularly constituted fire department of the  
26 municipality, except as provided in this Section. The age

1 limitation does not apply to:

2 (1) any person previously employed as a full-time  
3 firefighter in a regularly constituted fire department of  
4 (i) any municipality or fire protection district located  
5 in Illinois, (ii) a fire protection district whose  
6 obligations were assumed by a municipality under Section  
7 21 of the Fire Protection District Act, or (iii) a  
8 municipality whose obligations were taken over by a fire  
9 protection district,

10 (2) any person who has served a municipality as a  
11 regularly enrolled volunteer, paid-on-call, or part-time  
12 firefighter, or

13 (3) any person who turned 35 while serving as a member  
14 of the active or reserve components of any of the branches  
15 of the Armed Forces of the United States or the National  
16 Guard of any state, whose service was characterized as  
17 honorable or under honorable, if separated from the  
18 military, and is currently under the age of 40.

19 No person who is under 18 ~~21~~ years of age shall be eligible  
20 for employment as a firefighter.

21 No applicant shall be examined concerning his or her  
22 political or religious opinions or affiliations. The  
23 examinations shall be conducted by the commissioners of the  
24 municipality or their designees and agents.

25 No municipality shall require that any firefighter  
26 appointed to the lowest rank serve a probationary employment

1 period of longer than one year of actual active employment,  
2 which may exclude periods of training, or injury or illness  
3 leaves, including duty related leave, in excess of 30 calendar  
4 days. Notwithstanding anything to the contrary in this  
5 Section, the probationary employment period limitation may be  
6 extended for a firefighter who is required, as a condition of  
7 employment, to be a licensed paramedic, during which time the  
8 sole reason that a firefighter may be discharged without a  
9 hearing is for failing to meet the requirements for paramedic  
10 licensure.

11 In the event that any applicant who has been found  
12 eligible for appointment and whose name has been placed upon  
13 the final eligibility register provided for in this Section  
14 has not been appointed to a firefighter position within one  
15 year after the date of his or her physical ability  
16 examination, the commission may cause a second examination to  
17 be made of that applicant's physical ability prior to his or  
18 her appointment. If, after the second examination, the  
19 physical ability of the applicant shall be found to be less  
20 than the minimum standard fixed by the rules of the  
21 commission, the applicant shall not be appointed. The  
22 applicant's name may be retained upon the register of  
23 candidates eligible for appointment and when next reached for  
24 certification and appointment that applicant may be again  
25 examined as provided in this Section, and if the physical  
26 ability of that applicant is found to be less than the minimum

1 standard fixed by the rules of the commission, the applicant  
2 shall not be appointed, and the name of the applicant shall be  
3 removed from the register.

4 (d) Notice, examination, and testing components. Notice of  
5 the time, place, general scope, merit criteria for any  
6 subjective component, and fee of every examination shall be  
7 given by the commission, by a publication at least 2 weeks  
8 preceding the examination: (i) in one or more newspapers  
9 published in the municipality, or if no newspaper is published  
10 therein, then in one or more newspapers with a general  
11 circulation within the municipality, or (ii) on the  
12 municipality's Internet website. Additional notice of the  
13 examination may be given as the commission shall prescribe.

14 The examination and qualifying standards for employment of  
15 firefighters shall be based on: mental aptitude, physical  
16 ability, preferences, moral character, and health. The mental  
17 aptitude, physical ability, and preference components shall  
18 determine an applicant's qualification for and placement on  
19 the final register of eligibles. The examination may also  
20 include a subjective component based on merit criteria as  
21 determined by the commission. Scores from the examination must  
22 be made available to the public.

23 (e) Mental aptitude. No person who does not possess at  
24 least a high school diploma or an equivalent high school  
25 education shall be placed on a register of eligibles.  
26 Examination of an applicant's mental aptitude shall be based

1 upon a written examination. The examination shall be practical  
2 in character and relate to those matters that fairly test the  
3 capacity of the persons examined to discharge the duties  
4 performed by members of a fire department. Written  
5 examinations shall be administered in a manner that ensures  
6 the security and accuracy of the scores achieved.

7 (f) Physical ability. All candidates shall be required to  
8 undergo an examination of their physical ability to perform  
9 the essential functions included in the duties they may be  
10 called upon to perform as a member of a fire department. For  
11 the purposes of this Section, essential functions of the job  
12 are functions associated with duties that a firefighter may be  
13 called upon to perform in response to emergency calls. The  
14 frequency of the occurrence of those duties as part of the fire  
15 department's regular routine shall not be a controlling factor  
16 in the design of examination criteria or evolutions selected  
17 for testing. These physical examinations shall be open,  
18 competitive, and based on industry standards designed to test  
19 each applicant's physical abilities in the following  
20 dimensions:

21 (1) Muscular strength to perform tasks and evolutions  
22 that may be required in the performance of duties  
23 including grip strength, leg strength, and arm strength.  
24 Tests shall be conducted under anaerobic as well as  
25 aerobic conditions to test both the candidate's speed and  
26 endurance in performing tasks and evolutions. Tasks tested

1           may be based on standards developed, or approved, by the  
2           local appointing authority.

3           (2) The ability to climb ladders, operate from  
4           heights, walk or crawl in the dark along narrow and uneven  
5           surfaces, and operate in proximity to hazardous  
6           environments.

7           (3) The ability to carry out critical, time-sensitive,  
8           and complex problem solving during physical exertion in  
9           stressful and hazardous environments. The testing  
10          environment may be hot and dark with tightly enclosed  
11          spaces, flashing lights, sirens, and other distractions.

12          The tests utilized to measure each applicant's  
13          capabilities in each of these dimensions may be tests based on  
14          industry standards currently in use or equivalent tests  
15          approved by the Joint Labor-Management Committee of the Office  
16          of the State Fire Marshal.

17          Physical ability examinations administered under this  
18          Section shall be conducted with a reasonable number of  
19          proctors and monitors, open to the public, and subject to  
20          reasonable regulations of the commission.

21          (g) Scoring of examination components. Appointing  
22          authorities may create a preliminary eligibility register. A  
23          person shall be placed on the list based upon his or her  
24          passage of the written examination or the passage of the  
25          written examination and the physical ability component.  
26          Passage of the written examination means attaining the minimum

1 score set by the commission. Minimum scores should be set by  
2 the commission so as to demonstrate a candidate's ability to  
3 perform the essential functions of the job. The minimum score  
4 set by the commission shall be supported by appropriate  
5 validation evidence and shall comply with all applicable State  
6 and federal laws. The appointing authority may conduct the  
7 physical ability component and any subjective components  
8 subsequent to the posting of the preliminary eligibility  
9 register.

10 The examination components for an initial eligibility  
11 register shall be graded on a 100-point scale. A person's  
12 position on the list shall be determined by the following: (i)  
13 the person's score on the written examination, (ii) the person  
14 successfully passing the physical ability component, and (iii)  
15 the person's results on any subjective component as described  
16 in subsection (d).

17 In order to qualify for placement on the final eligibility  
18 register, an applicant's score on the written examination,  
19 before any applicable preference points or subjective points  
20 are applied, shall be at or above the minimum score as set by  
21 the commission. The local appointing authority may prescribe  
22 the score to qualify for placement on the final eligibility  
23 register, but the score shall not be less than the minimum  
24 score set by the commission.

25 The commission shall prepare and keep a register of  
26 persons whose total score is not less than the minimum score

1 for passage and who have passed the physical ability  
2 examination. These persons shall take rank upon the register  
3 as candidates in the order of their relative excellence based  
4 on the highest to the lowest total points scored on the mental  
5 aptitude, subjective component, and preference components of  
6 the test administered in accordance with this Section. No more  
7 than 60 days after each examination, an initial eligibility  
8 list shall be posted by the commission. The list shall include  
9 the final grades of the candidates without reference to  
10 priority of the time of examination and subject to claim for  
11 preference credit.

12 Commissions may conduct additional examinations, including  
13 without limitation a polygraph test, after a final eligibility  
14 register is established and before it expires with the  
15 candidates ranked by total score without regard to date of  
16 examination. No more than 60 days after each examination, an  
17 initial eligibility list shall be posted by the commission  
18 showing the final grades of the candidates without reference  
19 to priority of time of examination and subject to claim for  
20 preference credit.

21 (h) Preferences. The following are preferences:

22 (1) Veteran preference. Persons who were engaged in  
23 the military service of the United States for a period of  
24 at least one year of active duty and who were honorably  
25 discharged therefrom, or who are now or have been members  
26 on inactive or reserve duty in such military or naval

1 service, shall be preferred for appointment to and  
2 employment with the fire department of an affected  
3 department.

4 (2) Fire cadet preference. Persons who have  
5 successfully completed 2 years of study in fire techniques  
6 or cadet training within a cadet program established under  
7 the rules of the Joint Labor and Management Committee  
8 (JLMC), as defined in Section 50 of the Fire Department  
9 Promotion Act, may be preferred for appointment to and  
10 employment with the fire department.

11 (3) Educational preference. Persons who have  
12 successfully obtained an associate's degree in the field  
13 of fire service or emergency medical services, or a  
14 bachelor's degree from an accredited college or university  
15 may be preferred for appointment to and employment with  
16 the fire department.

17 (4) Paramedic preference. Persons who have obtained a  
18 license as a paramedic shall be preferred for appointment  
19 to and employment with the fire department of an affected  
20 department providing emergency medical services.

21 (5) Experience preference. All persons employed by a  
22 municipality who have been paid-on-call or part-time  
23 certified Firefighter II, State of Illinois or nationally  
24 licensed EMT, EMT-I, A-EMT, or any combination of those  
25 capacities shall be awarded 0.5 point for each year of  
26 successful service in one or more of those capacities, up

1 to a maximum of 5 points. Certified Firefighter III and  
2 State of Illinois or nationally licensed paramedics shall  
3 be awarded one point per year up to a maximum of 5 points.  
4 Applicants from outside the municipality who were employed  
5 as full-time firefighters or firefighter-paramedics by a  
6 fire protection district or another municipality for at  
7 least 2 years shall be awarded 5 experience preference  
8 points. These additional points presuppose a rating scale  
9 totaling 100 points available for the eligibility list. If  
10 more or fewer points are used in the rating scale for the  
11 eligibility list, the points awarded under this subsection  
12 shall be increased or decreased by a factor equal to the  
13 total possible points available for the examination  
14 divided by 100.

15 Upon request by the commission, the governing body of  
16 the municipality or in the case of applicants from outside  
17 the municipality the governing body of any fire protection  
18 district or any other municipality shall certify to the  
19 commission, within 10 days after the request, the number  
20 of years of successful paid-on-call, part-time, or  
21 full-time service of any person. A candidate may not  
22 receive the full amount of preference points under this  
23 subsection if the amount of points awarded would place the  
24 candidate before a veteran on the eligibility list. If  
25 more than one candidate receiving experience preference  
26 points is prevented from receiving all of their points due

1 to not being allowed to pass a veteran, the candidates  
2 shall be placed on the list below the veteran in rank order  
3 based on the totals received if all points under this  
4 subsection were to be awarded. Any remaining ties on the  
5 list shall be determined by lot.

6 (6) Residency preference. Applicants whose principal  
7 residence is located within the fire department's  
8 jurisdiction shall be preferred for appointment to and  
9 employment with the fire department.

10 (7) Additional preferences. Up to 5 additional  
11 preference points may be awarded for unique categories  
12 based on an applicant's experience or background as  
13 identified by the commission.

14 (7.5) Apprentice preferences. A person who has  
15 performed fire suppression service for a department as a  
16 firefighter apprentice and otherwise meets the  
17 qualifications for original appointment as a firefighter  
18 specified in this Section is eligible to be awarded up to  
19 20 preference points. To qualify for preference points, an  
20 applicant shall have completed a minimum of 600 hours of  
21 fire suppression work on a regular shift for the affected  
22 fire department over a 12-month period. The fire  
23 suppression work must be in accordance with Section  
24 10-2.1-4 of this Division and the terms established by a  
25 Joint Apprenticeship Committee included in a collective  
26 bargaining agreement agreed between the employer and its

1 certified bargaining agent. An eligible applicant must  
2 apply to the Joint Apprenticeship Committee for preference  
3 points under this item. The Joint Apprenticeship Committee  
4 shall evaluate the merit of the applicant's performance,  
5 determine the preference points to be awarded, and certify  
6 the amount of points awarded to the commissioners. The  
7 commissioners may add the certified preference points to  
8 the final grades achieved by the applicant on the other  
9 components of the examination.

10 (8) Scoring of preferences. The commission may give  
11 preference for original appointment to persons designated  
12 in item (1) by adding to the final grade that they receive  
13 5 points for the recognized preference achieved. The  
14 commission may give preference for original appointment to  
15 persons designated in item (7.5) by adding to the final  
16 grade the amount of points designated by the Joint  
17 Apprenticeship Committee as defined in item (7.5). The  
18 commission shall determine the number of preference points  
19 for each category, except items (1) and (7.5). The number  
20 of preference points for each category shall range from 0  
21 to 5, except item (7.5). In determining the number of  
22 preference points, the commission shall prescribe that if  
23 a candidate earns the maximum number of preference points  
24 in all categories except item (7.5), that number may not  
25 be less than 10 nor more than 30. The commission shall give  
26 preference for original appointment to persons designated

1 in items (2) through (7) by adding the requisite number of  
2 points to the final grade for each recognized preference  
3 achieved. The numerical result thus attained shall be  
4 applied by the commission in determining the final  
5 eligibility list and appointment from the eligibility  
6 list. The local appointing authority may prescribe the  
7 total number of preference points awarded under this  
8 Section, but the total number of preference points, except  
9 item (7.5), shall not be less than 10 points or more than  
10 30 points. Apprentice preference points may be added in  
11 addition to other preference points awarded by the  
12 commission.

13 No person entitled to any preference shall be required to  
14 claim the credit before any examination held under the  
15 provisions of this Section, but the preference may be given  
16 after the posting or publication of the initial eligibility  
17 list or register at the request of a person entitled to a  
18 credit before any certification or appointments are made from  
19 the eligibility register, upon the furnishing of verifiable  
20 evidence and proof of qualifying preference credit. Candidates  
21 who are eligible for preference credit may make a claim in  
22 writing within 10 days after the posting of the initial  
23 eligibility list, or the claim may be deemed waived. Final  
24 eligibility registers may be established after the awarding of  
25 verified preference points. However, apprentice preference  
26 credit earned subsequent to the establishment of the final

1 eligibility register may be applied to the applicant's score  
2 upon certification by the Joint Apprenticeship Committee to  
3 the commission and the rank order of candidates on the final  
4 eligibility register shall be adjusted accordingly. All  
5 employment shall be subject to the commission's initial hire  
6 background review, including, but not limited to, criminal  
7 history, employment history, moral character, oral  
8 examination, and medical and psychological examinations, all  
9 on a pass-fail basis. The medical and psychological  
10 examinations must be conducted last, and may only be performed  
11 after a conditional offer of employment has been extended.

12 Any person placed on an eligibility list who exceeds the  
13 age requirement before being appointed to a fire department  
14 shall remain eligible for appointment until the list is  
15 abolished, or his or her name has been on the list for a period  
16 of 2 years. No person who has attained the age of 35 years  
17 shall be inducted into a fire department, except as otherwise  
18 provided in this Section.

19 The commission shall strike off the names of candidates  
20 for original appointment after the names have been on the list  
21 for more than 2 years.

22 (i) Moral character. No person shall be appointed to a  
23 fire department unless he or she is a person of good character;  
24 not a habitual drunkard, a gambler, or a person who has been  
25 convicted of a felony or a crime involving moral turpitude.  
26 However, no person shall be disqualified from appointment to

1 the fire department because of the person's record of  
2 misdemeanor convictions except those under Sections 11-6,  
3 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,  
4 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,  
5 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and paragraphs  
6 (1), (6), and (8) of subsection (a) of Section 24-1 of the  
7 Criminal Code of 1961 or the Criminal Code of 2012, or arrest  
8 for any cause without conviction thereon. Any such person who  
9 is in the department may be removed on charges brought for  
10 violating this subsection and after a trial as hereinafter  
11 provided.

12 A classifiable set of the fingerprints of every person who  
13 is offered employment as a certificated member of an affected  
14 fire department whether with or without compensation, shall be  
15 furnished to the Illinois State Police and to the Federal  
16 Bureau of Investigation by the commission.

17 Whenever a commission is authorized or required by law to  
18 consider some aspect of criminal history record information  
19 for the purpose of carrying out its statutory powers and  
20 responsibilities, then, upon request and payment of fees in  
21 conformance with the requirements of Section 2605-400 of the  
22 Illinois State Police Law of the Civil Administrative Code of  
23 Illinois, the Illinois State Police is authorized to furnish,  
24 pursuant to positive identification, the information contained  
25 in State files as is necessary to fulfill the request.

26 (j) Temporary appointments. In order to prevent a stoppage

1 of public business, to meet extraordinary exigencies, or to  
2 prevent material impairment of the fire department, the  
3 commission may make temporary appointments, to remain in force  
4 only until regular appointments are made under the provisions  
5 of this Division, but never to exceed 60 days. No temporary  
6 appointment of any one person shall be made more than twice in  
7 any calendar year.

8 (k) A person who knowingly divulges or receives test  
9 questions or answers before a written examination, or  
10 otherwise knowingly violates or subverts any requirement of  
11 this Section, commits a violation of this Section and may be  
12 subject to charges for official misconduct.

13 A person who is the knowing recipient of test information  
14 in advance of the examination shall be disqualified from the  
15 examination or discharged from the position to which he or she  
16 was appointed, as applicable, and otherwise subjected to  
17 disciplinary actions.

18 (Source: P.A. 101-489, eff. 8-23-19; 102-375, eff. 8-13-21;  
19 102-538, eff. 8-20-21; 102-558, eff. 8-20-21; 102-813, eff.  
20 5-13-22.)

21 Section 10. The Fire Protection District Act is amended by  
22 changing Section 16.06b as follows:

23 (70 ILCS 705/16.06b)

24 Sec. 16.06b. Original appointments; full-time fire

1 department.

2 (a) Applicability. Unless a commission elects to follow  
3 the provisions of Section 16.06c, this Section shall apply to  
4 all original appointments to an affected full-time fire  
5 department. Existing registers of eligibles shall continue to  
6 be valid until their expiration dates, or up to a maximum of 2  
7 years after August 4, 2011 (the effective date of Public Act  
8 97-251).

9 Notwithstanding any statute, ordinance, rule, or other law  
10 to the contrary, all original appointments to an affected  
11 department to which this Section applies shall be administered  
12 in a no less stringent manner than the manner provided for in  
13 this Section. Provisions of the Illinois Municipal Code, Fire  
14 Protection District Act, fire district ordinances, and rules  
15 adopted pursuant to such authority and other laws relating to  
16 initial hiring of firefighters in affected departments shall  
17 continue to apply to the extent they are compatible with this  
18 Section, but in the event of a conflict between this Section  
19 and any other law, this Section shall control.

20 A fire protection district that is operating under a court  
21 order or consent decree regarding original appointments to a  
22 full-time fire department before August 4, 2011 (the effective  
23 date of Public Act 97-251) is exempt from the requirements of  
24 this Section for the duration of the court order or consent  
25 decree.

26 (b) Original appointments. All original appointments made

1 to an affected fire department shall be made from a register of  
2 eligibles established in accordance with the processes  
3 required by this Section. Only persons who meet or exceed the  
4 performance standards required by the Section shall be placed  
5 on a register of eligibles for original appointment to an  
6 affected fire department.

7 Whenever an appointing authority authorizes action to hire  
8 a person to perform the duties of a firefighter or to hire a  
9 firefighter-paramedic to fill a position that is a new  
10 position or vacancy due to resignation, discharge, promotion,  
11 death, the granting of a disability or retirement pension, or  
12 any other cause, the appointing authority shall appoint to  
13 that position the person with the highest ranking on the final  
14 eligibility list. If the appointing authority has reason to  
15 conclude that the highest ranked person fails to meet the  
16 minimum standards for the position or if the appointing  
17 authority believes an alternate candidate would better serve  
18 the needs of the department, then the appointing authority has  
19 the right to pass over the highest ranked person and appoint  
20 either: (i) any person who has a ranking in the top 5% of the  
21 register of eligibles or (ii) any person who is among the top 5  
22 highest ranked persons on the list of eligibles if the number  
23 of people who have a ranking in the top 5% of the register of  
24 eligibles is less than 5 people.

25 Any candidate may pass on an appointment once without  
26 losing his or her position on the register of eligibles. Any

1 candidate who passes a second time may be removed from the list  
2 by the appointing authority provided that such action shall  
3 not prejudice a person's opportunities to participate in  
4 future examinations, including an examination held during the  
5 time a candidate is already on the fire district's register of  
6 eligibles.

7 The sole authority to issue certificates of appointment  
8 shall be vested in the board of fire commissioners, or board of  
9 trustees serving in the capacity of a board of fire  
10 commissioners. All certificates of appointment issued to any  
11 officer or member of an affected department shall be signed by  
12 the chairperson and secretary, respectively, of the commission  
13 upon appointment of such officer or member to the affected  
14 department by action of the commission. After being selected  
15 from the register of eligibles to fill a vacancy in the  
16 affected department, each appointee shall be presented with  
17 his or her certificate of appointment on the day on which he or  
18 she is sworn in as a classified member of the affected  
19 department. Firefighters who were not issued a certificate of  
20 appointment when originally appointed shall be provided with a  
21 certificate within 10 days after making a written request to  
22 the chairperson of the board of fire commissioners, or board  
23 of trustees serving in the capacity of a board of fire  
24 commissioners. Each person who accepts a certificate of  
25 appointment and successfully completes his or her probationary  
26 period shall be enrolled as a firefighter and as a regular

1 member of the fire department.

2 For the purposes of this Section, "firefighter" means any  
3 person who has been prior to, on, or after August 4, 2011 (the  
4 effective date of Public Act 97-251) appointed to a fire  
5 department or fire protection district or employed by a State  
6 university and sworn or commissioned to perform firefighter  
7 duties or paramedic duties, or both, except that the following  
8 persons are not included: part-time firefighters; auxiliary,  
9 reserve, or voluntary firefighters, including paid-on-call  
10 firefighters; clerks and dispatchers or other civilian  
11 employees of a fire department or fire protection district who  
12 are not routinely expected to perform firefighter duties; and  
13 elected officials.

14 (c) Qualification for placement on register of eligibles.  
15 The purpose of establishing a register of eligibles is to  
16 identify applicants who possess and demonstrate the mental  
17 aptitude and physical ability to perform the duties required  
18 of members of the fire department in order to provide the  
19 highest quality of service to the public. To this end, all  
20 applicants for original appointment to an affected fire  
21 department shall be subject to examination and testing which  
22 shall be public, competitive, and open to all applicants  
23 unless the district shall by ordinance limit applicants to  
24 residents of the district, county or counties in which the  
25 district is located, State, or nation. Any examination and  
26 testing procedure utilized under subsection (e) of this

1 Section shall be supported by appropriate validation evidence  
2 and shall comply with all applicable State and federal laws.  
3 Districts may establish educational, emergency medical service  
4 licensure, and other prerequisites for participation in an  
5 examination or for hire as a firefighter. Any fire protection  
6 district may charge a fee to cover the costs of the application  
7 process.

8 Residency requirements in effect at the time an individual  
9 enters the fire service of a district cannot be made more  
10 restrictive for that individual during his or her period of  
11 service for that district, or be made a condition of  
12 promotion, except for the rank or position of fire chief and  
13 for no more than 2 positions that rank immediately below that  
14 of the chief rank which are appointed positions pursuant to  
15 the Fire Department Promotion Act.

16 No person who is 35 years of age or older shall be eligible  
17 to take an examination for a position as a firefighter unless  
18 the person has had previous employment status as a firefighter  
19 in the regularly constituted fire department of the district,  
20 except as provided in this Section. The age limitation does  
21 not apply to:

22 (1) any person previously employed as a full-time  
23 firefighter in a regularly constituted fire department of  
24 (i) any municipality or fire protection district located  
25 in Illinois, (ii) a fire protection district whose  
26 obligations were assumed by a municipality under Section

1           21 of the Fire Protection District Act, or (iii) a  
2           municipality whose obligations were taken over by a fire  
3           protection district;

4           (2) any person who has served a fire district as a  
5           regularly enrolled volunteer, paid-on-call, or part-time  
6           firefighter; or

7           (3) any person who turned 35 while serving as a member  
8           of the active or reserve components of any of the branches  
9           of the Armed Forces of the United States or the National  
10          Guard of any state, whose service was characterized as  
11          honorable or under honorable, if separated from the  
12          military, and is currently under the age of 40.

13          No person who is under 18 ~~21~~ years of age shall be eligible  
14          for employment as a firefighter.

15          No applicant shall be examined concerning his or her  
16          political or religious opinions or affiliations. The  
17          examinations shall be conducted by the commissioners of the  
18          district or their designees and agents.

19          No district shall require that any firefighter appointed  
20          to the lowest rank serve a probationary employment period of  
21          longer than one year of actual active employment, which may  
22          exclude periods of training, or injury or illness leaves,  
23          including duty related leave, in excess of 30 calendar days.  
24          Notwithstanding anything to the contrary in this Section, the  
25          probationary employment period limitation may be extended for  
26          a firefighter who is required, as a condition of employment,

1 to be a licensed paramedic, during which time the sole reason  
2 that a firefighter may be discharged without a hearing is for  
3 failing to meet the requirements for paramedic licensure.

4 In the event that any applicant who has been found  
5 eligible for appointment and whose name has been placed upon  
6 the final eligibility register provided for in this Section  
7 has not been appointed to a firefighter position within one  
8 year after the date of his or her physical ability  
9 examination, the commission may cause a second examination to  
10 be made of that applicant's physical ability prior to his or  
11 her appointment. If, after the second examination, the  
12 physical ability of the applicant shall be found to be less  
13 than the minimum standard fixed by the rules of the  
14 commission, the applicant shall not be appointed. The  
15 applicant's name may be retained upon the register of  
16 candidates eligible for appointment and when next reached for  
17 certification and appointment that applicant may be again  
18 examined as provided in this Section, and if the physical  
19 ability of that applicant is found to be less than the minimum  
20 standard fixed by the rules of the commission, the applicant  
21 shall not be appointed, and the name of the applicant shall be  
22 removed from the register.

23 (d) Notice, examination, and testing components. Notice of  
24 the time, place, general scope, merit criteria for any  
25 subjective component, and fee of every examination shall be  
26 given by the commission, by a publication at least 2 weeks

1 preceding the examination: (i) in one or more newspapers  
2 published in the district, or if no newspaper is published  
3 therein, then in one or more newspapers with a general  
4 circulation within the district, or (ii) on the fire  
5 protection district's Internet website. Additional notice of  
6 the examination may be given as the commission shall  
7 prescribe.

8 The examination and qualifying standards for employment of  
9 firefighters shall be based on: mental aptitude, physical  
10 ability, preferences, moral character, and health. The mental  
11 aptitude, physical ability, and preference components shall  
12 determine an applicant's qualification for and placement on  
13 the final register of eligibles. The examination may also  
14 include a subjective component based on merit criteria as  
15 determined by the commission. Scores from the examination must  
16 be made available to the public.

17 (e) Mental aptitude. No person who does not possess at  
18 least a high school diploma or an equivalent high school  
19 education shall be placed on a register of eligibles.  
20 Examination of an applicant's mental aptitude shall be based  
21 upon a written examination. The examination shall be practical  
22 in character and relate to those matters that fairly test the  
23 capacity of the persons examined to discharge the duties  
24 performed by members of a fire department. Written  
25 examinations shall be administered in a manner that ensures  
26 the security and accuracy of the scores achieved.

1 (f) Physical ability. All candidates shall be required to  
2 undergo an examination of their physical ability to perform  
3 the essential functions included in the duties they may be  
4 called upon to perform as a member of a fire department. For  
5 the purposes of this Section, essential functions of the job  
6 are functions associated with duties that a firefighter may be  
7 called upon to perform in response to emergency calls. The  
8 frequency of the occurrence of those duties as part of the fire  
9 department's regular routine shall not be a controlling factor  
10 in the design of examination criteria or evolutions selected  
11 for testing. These physical examinations shall be open,  
12 competitive, and based on industry standards designed to test  
13 each applicant's physical abilities in the following  
14 dimensions:

15 (1) Muscular strength to perform tasks and evolutions  
16 that may be required in the performance of duties  
17 including grip strength, leg strength, and arm strength.  
18 Tests shall be conducted under anaerobic as well as  
19 aerobic conditions to test both the candidate's speed and  
20 endurance in performing tasks and evolutions. Tasks tested  
21 may be based on standards developed, or approved, by the  
22 local appointing authority.

23 (2) The ability to climb ladders, operate from  
24 heights, walk or crawl in the dark along narrow and uneven  
25 surfaces, and operate in proximity to hazardous  
26 environments.

1           (3) The ability to carry out critical, time-sensitive,  
2           and complex problem solving during physical exertion in  
3           stressful and hazardous environments. The testing  
4           environment may be hot and dark with tightly enclosed  
5           spaces, flashing lights, sirens, and other distractions.

6           The tests utilized to measure each applicant's  
7           capabilities in each of these dimensions may be tests based on  
8           industry standards currently in use or equivalent tests  
9           approved by the Joint Labor-Management Committee of the Office  
10          of the State Fire Marshal.

11          Physical ability examinations administered under this  
12          Section shall be conducted with a reasonable number of  
13          proctors and monitors, open to the public, and subject to  
14          reasonable regulations of the commission.

15          (g) Scoring of examination components. Appointing  
16          authorities may create a preliminary eligibility register. A  
17          person shall be placed on the list based upon his or her  
18          passage of the written examination or the passage of the  
19          written examination and the physical ability component.  
20          Passage of the written examination means attaining the minimum  
21          score set by the commission. Minimum scores should be set by  
22          the appointing authorities so as to demonstrate a candidate's  
23          ability to perform the essential functions of the job. The  
24          minimum score set by the commission shall be supported by  
25          appropriate validation evidence and shall comply with all  
26          applicable State and federal laws. The appointing authority

1 may conduct the physical ability component and any subjective  
2 components subsequent to the posting of the preliminary  
3 eligibility register.

4 The examination components for an initial eligibility  
5 register shall be graded on a 100-point scale. A person's  
6 position on the list shall be determined by the following: (i)  
7 the person's score on the written examination, (ii) the person  
8 successfully passing the physical ability component, and (iii)  
9 the person's results on any subjective component as described  
10 in subsection (d).

11 In order to qualify for placement on the final eligibility  
12 register, an applicant's score on the written examination,  
13 before any applicable preference points or subjective points  
14 are applied, shall be at or above the minimum score set by the  
15 commission. The local appointing authority may prescribe the  
16 score to qualify for placement on the final eligibility  
17 register, but the score shall not be less than the minimum  
18 score set by the commission.

19 The commission shall prepare and keep a register of  
20 persons whose total score is not less than the minimum score  
21 for passage and who have passed the physical ability  
22 examination. These persons shall take rank upon the register  
23 as candidates in the order of their relative excellence based  
24 on the highest to the lowest total points scored on the mental  
25 aptitude, subjective component, and preference components of  
26 the test administered in accordance with this Section. No more

1 than 60 days after each examination, an initial eligibility  
2 list shall be posted by the commission. The list shall include  
3 the final grades of the candidates without reference to  
4 priority of the time of examination and subject to claim for  
5 preference credit.

6 Commissions may conduct additional examinations, including  
7 without limitation a polygraph test, after a final eligibility  
8 register is established and before it expires with the  
9 candidates ranked by total score without regard to date of  
10 examination. No more than 60 days after each examination, an  
11 initial eligibility list shall be posted by the commission  
12 showing the final grades of the candidates without reference  
13 to priority of time of examination and subject to claim for  
14 preference credit.

15 (h) Preferences. The following are preferences:

16 (1) Veteran preference. Persons who were engaged in  
17 the military service of the United States for a period of  
18 at least one year of active duty and who were honorably  
19 discharged therefrom, or who are now or have been members  
20 on inactive or reserve duty in such military or naval  
21 service, shall be preferred for appointment to and  
22 employment with the fire department of an affected  
23 department.

24 (2) Fire cadet preference. Persons who have  
25 successfully completed 2 years of study in fire techniques  
26 or cadet training within a cadet program established under

1 the rules of the Joint Labor and Management Committee  
2 (JLMC), as defined in Section 50 of the Fire Department  
3 Promotion Act, may be preferred for appointment to and  
4 employment with the fire department.

5 (3) Educational preference. Persons who have  
6 successfully obtained an associate's degree in the field  
7 of fire service or emergency medical services, or a  
8 bachelor's degree from an accredited college or university  
9 may be preferred for appointment to and employment with  
10 the fire department.

11 (4) Paramedic preference. Persons who have obtained a  
12 license as a paramedic may be preferred for appointment to  
13 and employment with the fire department of an affected  
14 department providing emergency medical services.

15 (5) Experience preference. All persons employed by a  
16 district who have been paid-on-call or part-time certified  
17 Firefighter II, certified Firefighter III, State of  
18 Illinois or nationally licensed EMT, EMT-I, A-EMT, or  
19 paramedic, or any combination of those capacities may be  
20 awarded up to a maximum of 5 points. However, the  
21 applicant may not be awarded more than 0.5 points for each  
22 complete year of paid-on-call or part-time service.  
23 Applicants from outside the district who were employed as  
24 full-time firefighters or firefighter-paramedics by a fire  
25 protection district or municipality for at least 2 years  
26 may be awarded up to 5 experience preference points.

1           However, the applicant may not be awarded more than one  
2 point for each complete year of full-time service.

3           Upon request by the commission, the governing body of  
4 the district or in the case of applicants from outside the  
5 district the governing body of any other fire protection  
6 district or any municipality shall certify to the  
7 commission, within 10 days after the request, the number  
8 of years of successful paid-on-call, part-time, or  
9 full-time service of any person. A candidate may not  
10 receive the full amount of preference points under this  
11 subsection if the amount of points awarded would place the  
12 candidate before a veteran on the eligibility list. If  
13 more than one candidate receiving experience preference  
14 points is prevented from receiving all of their points due  
15 to not being allowed to pass a veteran, the candidates  
16 shall be placed on the list below the veteran in rank order  
17 based on the totals received if all points under this  
18 subsection were to be awarded. Any remaining ties on the  
19 list shall be determined by lot.

20           (6) Residency preference. Applicants whose principal  
21 residence is located within the fire department's  
22 jurisdiction may be preferred for appointment to and  
23 employment with the fire department.

24           (7) Additional preferences. Up to 5 additional  
25 preference points may be awarded for unique categories  
26 based on an applicant's experience or background as

1 identified by the commission.

2 (7.5) Apprentice preferences. A person who has  
3 performed fire suppression service for a department as a  
4 firefighter apprentice and otherwise meets the  
5 qualifications for original appointment as a firefighter  
6 specified in this Section is eligible to be awarded up to  
7 20 preference points. To qualify for preference points, an  
8 applicant shall have completed a minimum of 600 hours of  
9 fire suppression work on a regular shift for the affected  
10 fire department over a 12-month period. The fire  
11 suppression work must be in accordance with Section 16.06  
12 of this Act and the terms established by a Joint  
13 Apprenticeship Committee included in a collective  
14 bargaining agreement agreed between the employer and its  
15 certified bargaining agent. An eligible applicant must  
16 apply to the Joint Apprenticeship Committee for preference  
17 points under this item. The Joint Apprenticeship Committee  
18 shall evaluate the merit of the applicant's performance,  
19 determine the preference points to be awarded, and certify  
20 the amount of points awarded to the commissioners. The  
21 commissioners may add the certified preference points to  
22 the final grades achieved by the applicant on the other  
23 components of the examination.

24 (8) Scoring of preferences. The commission shall give  
25 preference for original appointment to persons designated  
26 in item (1) by adding to the final grade that they receive

1           5 points for the recognized preference achieved. The  
2           commission may give preference for original appointment to  
3           persons designated in item (7.5) by adding to the final  
4           grade the amount of points designated by the Joint  
5           Apprenticeship Committee as defined in item (7.5). The  
6           commission shall determine the number of preference points  
7           for each category, except (1) and (7.5). The number of  
8           preference points for each category shall range from 0 to  
9           5, except item (7.5). In determining the number of  
10          preference points, the commission shall prescribe that if  
11          a candidate earns the maximum number of preference points  
12          in all categories except item (7.5), that number may not  
13          be less than 10 nor more than 30. The commission shall give  
14          preference for original appointment to persons designated  
15          in items (2) through (7) by adding the requisite number of  
16          points to the final grade for each recognized preference  
17          achieved. The numerical result thus attained shall be  
18          applied by the commission in determining the final  
19          eligibility list and appointment from the eligibility  
20          list. The local appointing authority may prescribe the  
21          total number of preference points awarded under this  
22          Section, but the total number of preference points, except  
23          item (7.5), shall not be less than 10 points or more than  
24          30 points. Apprentice preference points may be added in  
25          addition to other preference points awarded by the  
26          commission.

1           No person entitled to any preference shall be required to  
2 claim the credit before any examination held under the  
3 provisions of this Section, but the preference shall be given  
4 after the posting or publication of the initial eligibility  
5 list or register at the request of a person entitled to a  
6 credit before any certification or appointments are made from  
7 the eligibility register, upon the furnishing of verifiable  
8 evidence and proof of qualifying preference credit. Candidates  
9 who are eligible for preference credit shall make a claim in  
10 writing within 10 days after the posting of the initial  
11 eligibility list, or the claim shall be deemed waived. Final  
12 eligibility registers shall be established after the awarding  
13 of verified preference points. However, apprentice preference  
14 credit earned subsequent to the establishment of the final  
15 eligibility register may be applied to the applicant's score  
16 upon certification by the Joint Apprenticeship Committee to  
17 the commission and the rank order of candidates on the final  
18 eligibility register shall be adjusted accordingly. All  
19 employment shall be subject to the commission's initial hire  
20 background review, including, but not limited to, criminal  
21 history, employment history, moral character, oral  
22 examination, and medical and psychological examinations, all  
23 on a pass-fail basis. The medical and psychological  
24 examinations must be conducted last, and may only be performed  
25 after a conditional offer of employment has been extended.

26           Any person placed on an eligibility list who exceeds the

1 age requirement before being appointed to a fire department  
2 shall remain eligible for appointment until the list is  
3 abolished, or his or her name has been on the list for a period  
4 of 2 years. No person who has attained the age of 35 years  
5 shall be inducted into a fire department, except as otherwise  
6 provided in this Section.

7 The commission shall strike off the names of candidates  
8 for original appointment after the names have been on the list  
9 for more than 2 years.

10 (i) Moral character. No person shall be appointed to a  
11 fire department unless he or she is a person of good character;  
12 not a habitual drunkard, a gambler, or a person who has been  
13 convicted of a felony or a crime involving moral turpitude.  
14 However, no person shall be disqualified from appointment to  
15 the fire department because of the person's record of  
16 misdemeanor convictions except those under Sections 11-6,  
17 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,  
18 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,  
19 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and paragraphs  
20 (1), (6), and (8) of subsection (a) of Section 24-1 of the  
21 Criminal Code of 1961 or the Criminal Code of 2012, or arrest  
22 for any cause without conviction thereon. Any such person who  
23 is in the department may be removed on charges brought for  
24 violating this subsection and after a trial as hereinafter  
25 provided.

26 A classifiable set of the fingerprints of every person who

1 is offered employment as a certificated member of an affected  
2 fire department whether with or without compensation, shall be  
3 furnished to the Illinois State Police and to the Federal  
4 Bureau of Investigation by the commission.

5 Whenever a commission is authorized or required by law to  
6 consider some aspect of criminal history record information  
7 for the purpose of carrying out its statutory powers and  
8 responsibilities, then, upon request and payment of fees in  
9 conformance with the requirements of Section 2605-400 of the  
10 Illinois State Police Law of the Civil Administrative Code of  
11 Illinois, the Illinois State Police is authorized to furnish,  
12 pursuant to positive identification, the information contained  
13 in State files as is necessary to fulfill the request.

14 (j) Temporary appointments. In order to prevent a stoppage  
15 of public business, to meet extraordinary exigencies, or to  
16 prevent material impairment of the fire department, the  
17 commission may make temporary appointments, to remain in force  
18 only until regular appointments are made under the provisions  
19 of this Section, but never to exceed 60 days. No temporary  
20 appointment of any one person shall be made more than twice in  
21 any calendar year.

22 (k) A person who knowingly divulges or receives test  
23 questions or answers before a written examination, or  
24 otherwise knowingly violates or subverts any requirement of  
25 this Section, commits a violation of this Section and may be  
26 subject to charges for official misconduct.

1           A person who is the knowing recipient of test information  
2 in advance of the examination shall be disqualified from the  
3 examination or discharged from the position to which he or she  
4 was appointed, as applicable, and otherwise subjected to  
5 disciplinary actions.

6           (Source: P.A. 101-489, eff. 8-23-19; 102-375, eff. 8-13-21;  
7 102-538, eff. 8-20-21; 102-558, eff. 8-20-21; 102-813, eff.  
8 5-13-22.)