

HB2476



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB2476

Introduced 2/4/2025, by Rep. Stephanie A. Kifowit

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 09912 RTM 19982 b

A BILL FOR

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
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 the manner provided for in this Section. Provisions of the
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
16 continue to apply to the extent they are compatible with this
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
2 fire department before August 4, 2011 (the effective date of
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
10 eligibles established in accordance with the processes
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
14 an affected fire department.

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.)