



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4935

by Rep. Amy Elik

SYNOPSIS AS INTRODUCED:

65 ILCS 5/10-1-7.1
65 ILCS 5/10-2.1-6.3

Amends the Illinois Municipal Code. Provides that persons who serve or have served a municipality as regularly enrolled volunteer firefighters or work or have worked in industries with applicable skills, as approved by the municipality's board of fire and police commissioners, (in addition to persons employed by a municipality who have been paid-on-call or part-time certified Firefighter II or certified Firefighter III or by the State of Illinois or nationally licensed EMT, EMT-I, A-EMT, or paramedic) may be preferred for appointment to and employment with the municipality's fire department.

LRB104 14847 RTM 27991 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 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 (A) who are or
5 have been employed by a municipality in ~~who have been~~
6 paid-on-call or part-time certified Firefighter II or
7 certified Firefighter III positions, (B) who are or have
8 been employed by a municipality in EMT, EMT-I, A-EMT, or
9 paramedic positions while licensed by the State of
10 Illinois or nationally licensed ~~EMT, EMT I, A EMT, or~~
11 ~~paramedic,~~ (C) who serve or have served a municipality as
12 regularly enrolled volunteer firefighters, (D) who work or
13 have worked in industries with applicable skills, as
14 approved by the commission, or (E) who have served in any
15 combination of the ~~those~~ capacities described in this
16 paragraph (5) may be awarded up to a maximum of 5 points.
17 However, the applicant may not be awarded more than 0.5
18 points for each complete year of paid-on-call or part-time
19 service. Applicants from outside the municipality who were
20 employed as full-time firefighters or
21 firefighter-paramedics by a fire protection district or
22 another municipality may be awarded up to 5 experience
23 preference points. However, the applicant may not be
24 awarded more than one point for each complete year of
25 full-time service.

26 Upon request by the commission, the governing body of

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

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

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

25 (7.5) Apprentice preferences. A person who has
26 performed fire suppression service for a department as a

1 firefighter apprentice and otherwise meets the
2 qualifications for original appointment as a firefighter
3 specified in this Section may be awarded up to 20
4 preference points. To qualify for preference points, an
5 applicant shall have completed a minimum of 600 hours of
6 fire suppression work on a regular shift for the affected
7 fire department over a 12-month period. The fire
8 suppression work must be in accordance with Section
9 10-1-14 of this Division and the terms established by a
10 Joint Apprenticeship Committee included in a collective
11 bargaining agreement agreed between the employer and its
12 certified bargaining agent. An eligible applicant must
13 apply to the Joint Apprenticeship Committee for preference
14 points under this item. The Joint Apprenticeship Committee
15 shall evaluate the merit of the applicant's performance,
16 determine the preference points to be awarded, and certify
17 the amount of points awarded to the commissioners. The
18 commissioners may add the certified preference points to
19 the final grades achieved by the applicant on the other
20 components of the examination.

21 (8) Scoring of preferences. The commission shall give
22 preference for original appointment to persons designated
23 in item (1) by adding to the final grade that they receive
24 5 points for the recognized preference achieved. The
25 commission may give preference for original appointment to
26 persons designated in item (7.5) by adding to the final

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

24 No person entitled to any preference shall be required to
25 claim the credit before any examination held under the
26 provisions of this Section, but the preference shall be given

1 after the posting or publication of the initial eligibility
2 list or register at the request of a person entitled to a
3 credit before any certification or appointments are made from
4 the eligibility register, upon the furnishing of verifiable
5 evidence and proof of qualifying preference credit. Candidates
6 who are eligible for preference credit shall make a claim in
7 writing within 10 days after the posting of the initial
8 eligibility list, or the claim shall be deemed waived. Final
9 eligibility registers shall be established after the awarding
10 of verified preference points. However, apprentice preference
11 credit earned subsequent to the establishment of the final
12 eligibility register may be applied to the applicant's score
13 upon certification by the Joint Apprenticeship Committee to
14 the commission and the rank order of candidates on the final
15 eligibility register shall be adjusted accordingly. All
16 employment shall be subject to the commission's initial hire
17 background review, including, but not limited to, criminal
18 history, employment history, moral character, oral
19 examination, and medical and psychological examinations, all
20 on a pass-fail basis. The medical and psychological
21 examinations must be conducted last, and may only be performed
22 after a conditional offer of employment has been extended.

23 Any person placed on an eligibility list who exceeds the
24 age requirement before being appointed to a fire department
25 shall remain eligible for appointment until the list is
26 abolished, or his or her name has been on the list for a period

1 of 2 years. No person who has attained the age of 35 years
2 shall be inducted into a fire department, except as otherwise
3 provided in this Section.

4 The commission shall strike off the names of candidates
5 for original appointment after the names have been on the list
6 for more than 2 years.

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

23 A classifiable set of the fingerprints of every person who
24 is offered employment as a certificated member of an affected
25 fire department whether with or without compensation, shall be
26 furnished to the Illinois State Police and to the Federal

1 Bureau of Investigation by the commission.

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

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

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

24 A person who is the knowing recipient of test information
25 in advance of the examination shall be disqualified from the
26 examination or discharged from the position to which he or she

1 was appointed, as applicable, and otherwise subjected to
2 disciplinary actions.

3 (Source: P.A. 101-489, eff. 8-23-19; 102-375, eff. 8-13-21;
4 102-538, eff. 8-20-21; 102-558, eff. 8-20-21; 102-813, eff.
5 5-13-22.)

6 (65 ILCS 5/10-2.1-6.3)

7 Sec. 10-2.1-6.3. Original appointments; full-time fire
8 department.

9 (a) Applicability. Unless a commission elects to follow
10 the provisions of Section 10-2.1-6.4, 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
24 Section, but in the event of a conflict between this Section
25 and any other law, this Section shall control.

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

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

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

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

23 Whenever an appointing authority authorizes action to hire
24 a person to perform the duties of a firefighter or to hire a
25 firefighter-paramedic to fill a position that is a new
26 position or vacancy due to resignation, discharge, promotion,

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

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

23 The sole authority to issue certificates of appointment
24 shall be vested in the board of fire and police commissioners.
25 All certificates of appointment issued to any officer or
26 member of an affected department shall be signed by the

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

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

1 elected officials.

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

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

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

1 for no more than 2 positions that rank immediately below that
2 of the chief rank which are appointed positions pursuant to
3 the Fire Department Promotion Act.

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

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

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

21 (3) any person who turned 35 while serving as a member
22 of the active or reserve components of any of the branches
23 of the Armed Forces of the United States or the National
24 Guard of any state, whose service was characterized as
25 honorable or under honorable, if separated from the
26 military, and is currently under the age of 40.

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

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

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

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

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

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

22 The examination and qualifying standards for employment of
23 firefighters shall be based on: mental aptitude, physical
24 ability, preferences, moral character, and health. The mental
25 aptitude, physical ability, and preference components shall
26 determine an applicant's qualification for and placement on

1 the final register of eligibles. The examination may also
2 include a subjective component based on merit criteria as
3 determined by the commission. Scores from the examination must
4 be made available to the public.

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

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

1 each applicant's physical abilities in the following
2 dimensions:

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

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

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

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

25 Physical ability examinations administered under this
26 Section shall be conducted with a reasonable number of

1 proctors and monitors, open to the public, and subject to
2 reasonable regulations of the commission.

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

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

25 In order to qualify for placement on the final eligibility
26 register, an applicant's score on the written examination,

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

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

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

1 to priority of time of examination and subject to claim for
2 preference credit.

3 (h) Preferences. The following are preferences:

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

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

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

25 (4) Paramedic preference. Persons who have obtained a
26 license as a paramedic shall be preferred for appointment

1 to and employment with the fire department of an affected
2 department providing emergency medical services.

3 (5) Experience preference. All persons (A) who are or
4 have been employed by a municipality in ~~who have been~~
5 paid-on-call or part-time certified Firefighter II
6 positions, (B) who are or have been employed by a
7 municipality in EMT, EMT-I, or A-EMT positions while
8 licensed by the State of Illinois or nationally licensed
9 ~~EMT, EMT I, A EMT,~~ (C) who serve or have served a
10 municipality as regularly enrolled volunteer firefighters,
11 (D) who work or have worked in industries with applicable
12 skills, as approved by the commission, or (E) who have
13 served in any combination of the ~~these~~ capacities
14 described in this paragraph (5) shall be awarded 0.5 point
15 for each year of successful service in one or more of those
16 capacities, up to a maximum of 5 points. Certified
17 Firefighter III and State of Illinois or nationally
18 licensed paramedics shall be awarded one point per year up
19 to a maximum of 5 points. Applicants from outside the
20 municipality who were employed as full-time firefighters
21 or firefighter-paramedics by a fire protection district or
22 another municipality for at least 2 years shall be awarded
23 5 experience preference points. These additional points
24 presuppose a rating scale totaling 100 points available
25 for the eligibility list. If more or fewer points are used
26 in the rating scale for the eligibility list, the points

1 awarded under this subsection shall be increased or
2 decreased by a factor equal to the total possible points
3 available for the examination divided by 100.

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

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

25 (7) Additional preferences. Up to 5 additional
26 preference points may be awarded for unique categories

1 based on an applicant's experience or background as
2 identified by the commission.

3 (7.5) Apprentice preferences. A person who has
4 performed fire suppression service for a department as a
5 firefighter apprentice and otherwise meets the
6 qualifications for original appointment as a firefighter
7 specified in this Section is eligible to be awarded up to
8 20 preference points. To qualify for preference points, an
9 applicant shall have completed a minimum of 600 hours of
10 fire suppression work on a regular shift for the affected
11 fire department over a 12-month period. The fire
12 suppression work must be in accordance with Section
13 10-2.1-4 of this Division and the terms established by a
14 Joint Apprenticeship Committee included in a collective
15 bargaining agreement agreed between the employer and its
16 certified bargaining agent. An eligible applicant must
17 apply to the Joint Apprenticeship Committee for preference
18 points under this item. The Joint Apprenticeship Committee
19 shall evaluate the merit of the applicant's performance,
20 determine the preference points to be awarded, and certify
21 the amount of points awarded to the commissioners. The
22 commissioners may add the certified preference points to
23 the final grades achieved by the applicant on the other
24 components of the examination.

25 (8) Scoring of preferences. The commission may give
26 preference for original appointment to persons designated

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

1 commission.

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

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

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

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

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

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

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

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

1 subject to charges for official misconduct.

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

7 (Source: P.A. 101-489, eff. 8-23-19; 102-375, eff. 8-13-21;
8 102-538, eff. 8-20-21; 102-558, eff. 8-20-21; 102-813, eff.
9 5-13-22.)