



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB4936

by Rep. Amy Elik

#### SYNOPSIS AS INTRODUCED:

65 ILCS 5/10-1-7	from Ch. 24, par. 10-1-7
65 ILCS 5/10-1-7.1	
65 ILCS 5/10-1-12	from Ch. 24, par. 10-1-12
65 ILCS 5/10-2.1-6	from Ch. 24, par. 10-2.1-6
65 ILCS 5/10-2.1-6.3	
65 ILCS 5/10-2.1-14	from Ch. 24, par. 10-2.1-14
70 ILCS 705/16.06	from Ch. 127 1/2, par. 37.06
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. Provides that no person who is 37 years of age or older (rather than 35 years of age or older) shall be eligible to take an examination for a position as a firefighter unless specified conditions are satisfied.

LRB104 14846 RTM 27990 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, 10-1-7.1, 10-1-12, 10-2.1-6,  
6 10-2.1-6.3, and 10-2.1-14 as follows:

7 (65 ILCS 5/10-1-7) (from Ch. 24, par. 10-1-7)

8 Sec. 10-1-7. Examination of applicants; disqualifications.

9 (a) All applicants for offices or places in the classified  
10 service, except those mentioned in Section 10-1-17, are  
11 subject to examination. The examination shall be public,  
12 competitive, and open to all citizens of the United States,  
13 with specified limitations as to residence, age, health,  
14 habits, and moral character. An individual who is not a  
15 citizen but is legally authorized to work in the United States  
16 under federal law or is an individual against whom immigration  
17 action has been deferred by the U.S. Citizenship and  
18 Immigration Services under the federal Deferred Action for  
19 Childhood Arrivals (DACA) process is authorized to apply for  
20 the position of police officer, subject to (i) all  
21 requirements and limitations, other than citizenship, to which  
22 other applicants are subject and (ii) the individual being  
23 authorized under federal law to obtain, carry, or purchase or

1 otherwise possess a firearm.

2 (b) Residency requirements in effect at the time an  
3 individual enters the fire or police service of a municipality  
4 (other than a municipality that has more than 1,000,000  
5 inhabitants) cannot be made more restrictive for that  
6 individual during his or her period of service for that  
7 municipality, or be made a condition of promotion, except for  
8 the rank or position of Fire or Police Chief.

9 (c) No person with a record of misdemeanor convictions  
10 except those under Sections 11-1.50, 11-6, 11-7, 11-9, 11-14,  
11 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2, 12-6, 12-15,  
12 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4,  
13 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8, subdivisions  
14 (a) (1) and (a) (2) (C) of Section 11-14.3, and paragraphs (1),  
15 (6), and (8) of subsection (a) of Section 24-1 of the Criminal  
16 Code of 1961 or the Criminal Code of 2012 or arrested for any  
17 cause but not convicted on that cause shall be disqualified  
18 from taking the examination on grounds of habits or moral  
19 character, unless the person is attempting to qualify for a  
20 position on the police department, in which case the  
21 conviction or arrest may be considered as a factor in  
22 determining the person's habits or moral character.

23 (d) Persons entitled to military preference under Section  
24 10-1-16 shall not be subject to limitations specifying age  
25 unless (1) they are applicants for a position as ~~a fireman or a~~  
26 policeman having no previous employment status as a ~~fireman or~~

1 policeman in the regularly constituted ~~fire~~ or police  
2 department of the municipality, in which case they must not  
3 have attained their 35th birthday, except any person who has  
4 served as an auxiliary police officer under Section 3.1-30-20  
5 for at least 5 years and is under 40 years of age or (2) they  
6 are applicants for a position as a fireman having no previous  
7 employment status as a fireman in the regularly constituted  
8 fire department of the municipality, in which case they must  
9 not have attained their 37th birthday.

10 (e) All employees of a municipality of less than 500,000  
11 population (except those who would be excluded from the  
12 classified service as provided in this Division 1) who are  
13 holding that employment as of the date a municipality adopts  
14 this Division 1, or as of July 17, 1959, whichever date is the  
15 later, and who have held that employment for at least 2 years  
16 immediately before that later date, and all firemen and  
17 policemen regardless of length of service who were either  
18 appointed to their respective positions by the board of fire  
19 and police commissioners under the provisions of Division 2 of  
20 this Article or who are serving in a position (except as a  
21 temporary employee) in the fire or police department in the  
22 municipality on the date a municipality adopts this Division  
23 1, or as of July 17, 1959, whichever date is the later, shall  
24 become members of the classified civil service of the  
25 municipality without examination.

26 (f) The examinations shall be practical in their

1 character, and shall relate to those matters that will fairly  
2 test the relative capacity of the persons examined to  
3 discharge the duties of the positions to which they seek to be  
4 appointed. The examinations shall include tests of physical  
5 qualifications, health, and (when appropriate) manual skill.  
6 If an applicant is unable to pass the physical examination  
7 solely as the result of an injury received by the applicant as  
8 the result of the performance of an act of duty while working  
9 as a temporary employee in the position for which he or she is  
10 being examined, however, the physical examination shall be  
11 waived and the applicant shall be considered to have passed  
12 the examination. No questions in any examination shall relate  
13 to political or religious opinions or affiliations. Results of  
14 examinations and the eligible registers prepared from the  
15 results shall be published by the commission within 60 days  
16 after any examinations are held.

17 (g) The commission shall control all examinations, and  
18 may, whenever an examination is to take place, designate a  
19 suitable number of persons, either in or not in the official  
20 service of the municipality, to be examiners. The examiners  
21 shall conduct the examinations as directed by the commission  
22 and shall make a return or report of the examinations to the  
23 commission. If the appointed examiners are in the official  
24 service of the municipality, the examiners shall not receive  
25 extra compensation for conducting the examinations unless the  
26 examiners are subject to a collective bargaining agreement

1 with the municipality. The commission may at any time  
2 substitute any other person, whether or not in the service of  
3 the municipality, in the place of any one selected as an  
4 examiner. The commission members may themselves at any time  
5 act as examiners without appointing examiners. The examiners  
6 at any examination shall not all be members of the same  
7 political party.

8 (h) In municipalities of 500,000 or more population, (1)  
9 no person who has attained his or her 35th birthday shall be  
10 eligible to take an examination for a position as ~~a fireman or~~  
11 a policeman unless the person has had previous employment  
12 status as a policeman ~~or fireman~~ in the regularly constituted  
13 police ~~or fire~~ department of the municipality, except as  
14 provided in this Section and (2) no person who has attained his  
15 or her 37th birthday shall be eligible to take an examination  
16 for a position as a fireman unless the person has had previous  
17 employment status as a fireman in the regularly constituted  
18 fire department of the municipality, except as provided in  
19 this Section..

20 (i) In municipalities of more than 5,000 but not more than  
21 200,000 inhabitants, (1) no person who has attained his or her  
22 35th birthday shall be eligible to take an examination for a  
23 position as ~~a fireman or~~ a policeman unless the person has had  
24 previous employment status as a policeman ~~or fireman~~ in the  
25 regularly constituted police ~~or fire~~ department of the  
26 municipality, except as provided in this Section (2) no person

1 who has attained his or her 37th birthday shall be eligible to  
2 take an examination for a position as a fireman unless the  
3 person has had previous employment status as a fireman in the  
4 regularly constituted fire department of the municipality,  
5 except as provided in this Section..

6 (j) In all municipalities, applicants who are 20 years of  
7 age and who have successfully completed 2 years of law  
8 enforcement studies at an accredited college or university may  
9 be considered for appointment to active duty with the police  
10 department. An applicant described in this subsection (j) who  
11 is appointed to active duty shall not have power of arrest, nor  
12 shall the applicant be permitted to carry firearms, until he  
13 or she reaches 21 years of age.

14 (k) In municipalities of more than 500,000 population,  
15 applications for examination for and appointment to positions  
16 as firefighters or police shall be made available at various  
17 branches of the public library of the municipality.

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

1 employment, which is a denial and limitation of home rule  
2 powers. Notwithstanding anything to the contrary in this  
3 Section, the probationary employment period limitation may be  
4 extended for a firefighter who is required, as a condition of  
5 employment, to be a licensed paramedic, during which time the  
6 sole reason that a firefighter may be discharged without a  
7 hearing is for failing to meet the requirements for paramedic  
8 licensure.

9 (m) To the extent that this Section or any other Section in  
10 this Division conflicts with Section 10-1-7.1 or 10-1-7.2,  
11 then Section 10-1-7.1 or 10-1-7.2 shall control.

12 (Source: P.A. 102-813, eff. 5-13-22; 103-357, eff. 1-1-24.)

13 (65 ILCS 5/10-1-7.1)

14 Sec. 10-1-7.1. Original appointments; full-time fire  
15 department.

16 (a) Applicability. Unless a commission elects to follow  
17 the provisions of Section 10-1-7.2, this Section shall apply  
18 to all original appointments to an affected full-time fire  
19 department. Existing registers of eligibles shall continue to  
20 be valid until their expiration dates, or up to a maximum of 2  
21 years after August 4, 2011 (the effective date of Public Act  
22 97-251).

23 Notwithstanding any statute, ordinance, rule, or other law  
24 to the contrary, all original appointments to an affected  
25 department to which this Section applies shall be administered

1 in the manner provided for in this Section. Provisions of the  
2 Illinois Municipal Code, municipal ordinances, and rules  
3 adopted pursuant to such authority and other laws relating to  
4 initial hiring of firefighters in affected departments shall  
5 continue to apply to the extent they are compatible with this  
6 Section, but in the event of a conflict between this Section  
7 and any other law, this Section shall control.

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

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

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

23 (b) Original appointments. All original appointments made  
24 to an affected fire department shall be made from a register of  
25 eligibles established in accordance with the processes  
26 established by this Section. Only persons who meet or exceed

1 the performance standards required by this Section shall be  
2 placed on a register of eligibles for original appointment to  
3 an affected fire department.

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

22 Any candidate may pass on an appointment once without  
23 losing his or her position on the register of eligibles. Any  
24 candidate who passes a second time may be removed from the list  
25 by the appointing authority provided that such action shall  
26 not prejudice a person's opportunities to participate in

1 future examinations, including an examination held during the  
2 time a candidate is already on the municipality's register of  
3 eligibles.

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

22 For the purposes of this Section, "firefighter" means any  
23 person who has been prior to, on, or after August 4, 2011 (the  
24 effective date of Public Act 97-251) appointed to a fire  
25 department or fire protection district or employed by a State  
26 university and sworn or commissioned to perform firefighter

1 duties or paramedic duties, or both, except that the following  
2 persons are not included: part-time firefighters; auxiliary,  
3 reserve, or voluntary firefighters, including paid-on-call  
4 firefighters; clerks and dispatchers or other civilian  
5 employees of a fire department or fire protection district who  
6 are not routinely expected to perform firefighter duties; and  
7 elected officials.

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

1 application process.

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

10 No person who is 37 ~~35~~ years of age or older shall be  
11 eligible to take an examination for a position as a  
12 firefighter unless the person has had previous employment  
13 status as a firefighter in the regularly constituted fire  
14 department of the municipality, except as provided in this  
15 Section. The age limitation does not apply to:

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

24 (2) any person who has served a municipality as a  
25 regularly enrolled volunteer, paid-on-call, or part-time  
26 firefighter, or

1           (3) any person who turned 37 ~~35~~ while serving as a  
2           member of the active or reserve components of any of the  
3           branches of the Armed Forces of the United States or the  
4           National Guard of any state, whose service was  
5           characterized as honorable or under honorable, if  
6           separated from the military, and is currently under the  
7           age of 40.

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

10          No applicant shall be examined concerning his or her  
11          political or religious opinions or affiliations. The  
12          examinations shall be conducted by the commissioners of the  
13          municipality or their designees and agents.

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

26          In the event that any applicant who has been found

1 eligible for appointment and whose name has been placed upon  
2 the final eligibility register provided for in this Division 1  
3 has not been appointed to a firefighter position within one  
4 year after the date of his or her physical ability  
5 examination, the commission may cause a second examination to  
6 be made of that applicant's physical ability prior to his or  
7 her appointment. If, after the second examination, the  
8 physical ability of the applicant shall be found to be less  
9 than the minimum standard fixed by the rules of the  
10 commission, the applicant shall not be appointed. The  
11 applicant's name may be retained upon the register of  
12 candidates eligible for appointment and when next reached for  
13 certification and appointment that applicant may be again  
14 examined as provided in this Section, and if the physical  
15 ability of that applicant is found to be less than the minimum  
16 standard fixed by the rules of the commission, the applicant  
17 shall not be appointed, and the name of the applicant shall be  
18 removed from the register.

19 (d) Notice, examination, and testing components. Notice of  
20 the time, place, general scope, merit criteria for any  
21 subjective component, and fee of every examination shall be  
22 given by the commission, by a publication at least 2 weeks  
23 preceding the examination: (i) in one or more newspapers  
24 published in the municipality, or if no newspaper is published  
25 therein, then in one or more newspapers with a general  
26 circulation within the municipality, or (ii) on the

1 municipality's Internet website. Additional notice of the  
2 examination may be given as the commission shall prescribe.

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

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

22 (f) Physical ability. All candidates shall be required to  
23 undergo an examination of their physical ability to perform  
24 the essential functions included in the duties they may be  
25 called upon to perform as a member of a fire department. For  
26 the purposes of this Section, essential functions of the job

1 are functions associated with duties that a firefighter may be  
2 called upon to perform in response to emergency calls. The  
3 frequency of the occurrence of those duties as part of the fire  
4 department's regular routine shall not be a controlling factor  
5 in the design of examination criteria or evolutions selected  
6 for testing. These physical examinations shall be open,  
7 competitive, and based on industry standards designed to test  
8 each applicant's physical abilities in the following  
9 dimensions:

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

18 (2) The ability to climb ladders, operate from  
19 heights, walk or crawl in the dark along narrow and uneven  
20 surfaces, and operate in proximity to hazardous  
21 environments.

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

1           The tests utilized to measure each applicant's  
2 capabilities in each of these dimensions may be tests based on  
3 industry standards currently in use or equivalent tests  
4 approved by the Joint Labor-Management Committee of the Office  
5 of the State Fire Marshal.

6           Physical ability examinations administered under this  
7 Section shall be conducted with a reasonable number of  
8 proctors and monitors, open to the public, and subject to  
9 reasonable regulations of the commission.

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

25          The examination components for an initial eligibility  
26 register shall be graded on a 100-point scale. A person's

1 position on the list shall be determined by the following: (i)  
2 the person's score on the written examination, (ii) the person  
3 successfully passing the physical ability component, and (iii)  
4 the person's results on any subjective component as described  
5 in subsection (d).

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

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

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

10 (h) Preferences. The following are preferences:

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

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

26 (3) Educational preference. Persons who have

1           successfully obtained an associate's degree in the field  
2           of fire service or emergency medical services, or a  
3           bachelor's degree from an accredited college or university  
4           may be preferred for appointment to and employment with  
5           the fire department.

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

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

24          Upon request by the commission, the governing body of  
25          the municipality or in the case of applicants from outside  
26          the municipality the governing body of any fire protection

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

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

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

23 (7.5) Apprentice preferences. A person who has  
24 performed fire suppression service for a department as a  
25 firefighter apprentice and otherwise meets the  
26 qualifications for original appointment as a firefighter

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

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

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

22 No person entitled to any preference shall be required to  
23 claim the credit before any examination held under the  
24 provisions of this Section, but the preference shall be given  
25 after the posting or publication of the initial eligibility  
26 list or register at the request of a person entitled to a

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

21 Any person placed on an eligibility list who exceeds the  
22 age requirement before being appointed to a fire department  
23 shall remain eligible for appointment until the list is  
24 abolished, or his or her name has been on the list for a period  
25 of 2 years. No person who has attained the age of 37 ~~35~~ years  
26 shall be inducted into a fire department, except as otherwise

1 provided in this Section.

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

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

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

26 Whenever a commission is authorized or required by law to

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

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

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

22 A person who is the knowing recipient of test information  
23 in advance of the examination shall be disqualified from the  
24 examination or discharged from the position to which he or she  
25 was appointed, as applicable, and otherwise subjected to  
26 disciplinary actions.

1 (Source: P.A. 101-489, eff. 8-23-19; 102-375, eff. 8-13-21;  
2 102-538, eff. 8-20-21; 102-558, eff. 8-20-21; 102-813, eff.  
3 5-13-22.)

4 (65 ILCS 5/10-1-12) (from Ch. 24, par. 10-1-12)

5 Sec. 10-1-12. Register; eligibility list. From the returns  
6 or reports of the examiners, or from the examinations made by  
7 the commission, the commission shall prepare a register for  
8 each grade or class of positions in the classified service of  
9 such municipality of the persons whose general average  
10 standing upon examination for such grade or class is not less  
11 than the minimum fixed by the rules of such commission, and who  
12 are otherwise eligible. Such persons shall take rank upon the  
13 register as candidates in the order of their relative  
14 excellence as determined by examination, without reference to  
15 priority of time of examination.

16 Within 60 days after each examination, an eligibility list  
17 shall be posted by the Commission, which shall show the final  
18 grades of the candidates without reference to priority of time  
19 of examination and subject to claim for military credit.  
20 Candidates who are eligible for military credit shall make a  
21 claim in writing within 10 days after posting of the  
22 eligibility list or such claim shall be deemed waived.  
23 Appointment shall be subject to a final physical examination.

24 If a person is placed on an eligibility list and becomes  
25 overage before he or she is appointed to a police or fire

1 department, the person remains eligible for appointment until  
2 the list is abolished pursuant to authorized procedures.  
3 Otherwise no person who has attained the age of 36 years shall  
4 be inducted as a member of a police department and no person  
5 who has attained the age of 37 ~~35~~ years shall be inducted as a  
6 member of a fire department, except as otherwise provided in  
7 this division. With respect to a police department, a veteran  
8 shall be allowed to exceed the maximum age provision of this  
9 Section by the number of years served on active military duty,  
10 but by no more than 10 years of active military duty.

11 (Source: P.A. 96-472, eff. 8-14-09.)

12 (65 ILCS 5/10-2.1-6) (from Ch. 24, par. 10-2.1-6)

13 Sec. 10-2.1-6. Examination of applicants;  
14 disqualifications.

15 (a) All applicants for a position in ~~either the fire or~~  
16 police department of the municipality shall be under 35 years  
17 of age. All applicants for a position in the fire department of  
18 the municipality shall be under 37 years of age. All  
19 applicants for a position in either the fire or police  
20 department, shall be subject to an examination that shall be  
21 public, competitive, and open to all applicants (unless the  
22 council or board of trustees by ordinance limits ~~limit~~  
23 applicants to electors of the municipality, county, state, or  
24 nation) and shall be subject to reasonable limitations as to  
25 residence, health, habits, and moral character. An individual

1 who is not a citizen but is legally authorized to work in the  
2 United States under federal law or is an individual against  
3 whom immigration action has been deferred by the U.S.  
4 Citizenship and Immigration Services under the federal  
5 Deferred Action for Childhood Arrivals (DACA) process is  
6 authorized to apply for the position of police officer,  
7 subject to (i) all requirements and limitations, other than  
8 citizenship, to which other applicants are subject and (ii)  
9 the individual being authorized under federal law to obtain,  
10 carry, or purchase or otherwise possess a firearm. The  
11 municipality may not charge or collect any fee from an  
12 applicant who has met all prequalification standards  
13 established by the municipality for any such position. With  
14 respect to a police department, a veteran shall be allowed to  
15 exceed the maximum age provision of this Section by the number  
16 of years served on active military duty, but by no more than 10  
17 years of active military duty.

18 (b) Residency requirements in effect at the time an  
19 individual enters the fire or police service of a municipality  
20 (other than a municipality that has more than 1,000,000  
21 inhabitants) cannot be made more restrictive for that  
22 individual during his period of service for that municipality,  
23 or be made a condition of promotion, except for the rank or  
24 position of Fire or Police Chief.

25 (c) No person with a record of misdemeanor convictions  
26 except those under Sections 11-1.50, 11-6, 11-7, 11-9, 11-14,

1 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2, 12-6, 12-15,  
2 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4,  
3 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8, subdivisions  
4 (a)(1) and (a)(2)(C) of Section 11-14.3, and paragraphs (1),  
5 (6), and (8) of subsection (a) of Section 24-1 of the Criminal  
6 Code of 1961 or the Criminal Code of 2012, or arrested for any  
7 cause but not convicted on that cause shall be disqualified  
8 from taking the examination to qualify for a position in the  
9 fire department on grounds of habits or moral character.

10 (d) The age limitation in subsection (a) does not apply  
11 (i) to any person previously employed as a policeman or  
12 fireman in a regularly constituted police or fire department  
13 of (I) any municipality, regardless of whether the  
14 municipality is located in Illinois or in another state, or  
15 (II) a fire protection district whose obligations were assumed  
16 by a municipality under Section 21 of the Fire Protection  
17 District Act, (ii) to any person who has served a municipality  
18 as a regularly enrolled volunteer fireman for 5 years  
19 immediately preceding the time that municipality begins to use  
20 full time firemen to provide all or part of its fire protection  
21 service, or (iii) to any person who has served as an auxiliary  
22 police officer under Section 3.1-30-20 for at least 5 years  
23 and is under 40 years of age, (iv) to any person who has served  
24 as a deputy under Section 3-6008 of the Counties Code and  
25 otherwise meets necessary training requirements, or (v) to any  
26 person who has served as a sworn officer as a member of the

1 Illinois State Police.

2 (e) Applicants who are 20 years of age and who have  
3 successfully completed 2 years of law enforcement studies at  
4 an accredited college or university may be considered for  
5 appointment to active duty with the police department. An  
6 applicant described in this subsection (e) who is appointed to  
7 active duty shall not have power of arrest, nor shall the  
8 applicant be permitted to carry firearms, until he or she  
9 reaches 21 years of age.

10 (f) Applicants who are 18 years of age and who have  
11 successfully completed 2 years of study in fire techniques,  
12 amounting to a total of 4 high school credits, within the cadet  
13 program of a municipality may be considered for appointment to  
14 active duty with the fire department of any municipality.

15 (g) The council or board of trustees may by ordinance  
16 provide that persons residing outside the municipality are  
17 eligible to take the examination.

18 (h) The examinations shall be practical in character and  
19 relate to those matters that will fairly test the capacity of  
20 the persons examined to discharge the duties of the positions  
21 to which they seek appointment. No person shall be appointed  
22 to the police or fire department if he or she does not possess  
23 a high school diploma or an equivalent high school education.  
24 A board of fire and police commissioners may, by its rules,  
25 require police applicants to have obtained an associate's  
26 degree or a bachelor's degree as a prerequisite for

1 employment. The examinations shall include tests of physical  
2 qualifications and health. A board of fire and police  
3 commissioners may, by its rules, waive portions of the  
4 required examination for police applicants who have previously  
5 been full-time sworn officers of a regular police department  
6 in any municipal, county, university, or State law enforcement  
7 agency, provided they are certified by the Illinois Law  
8 Enforcement Training Standards Board and have been with their  
9 respective law enforcement agency within the State for at  
10 least 2 years. No person shall be appointed to the police or  
11 fire department if he or she has suffered the amputation of any  
12 limb unless the applicant's duties will be only clerical or as  
13 a radio operator. No applicant shall be examined concerning  
14 his or her political or religious opinions or affiliations.  
15 The examinations shall be conducted by the board of fire and  
16 police commissioners of the municipality as provided in this  
17 Division 2.1.

18 The requirement that a police applicant possess an  
19 associate's degree under this subsection may be waived if one  
20 or more of the following applies: (1) the applicant has served  
21 for 24 months of honorable active duty in the United States  
22 Armed Forces and has not been discharged dishonorably or under  
23 circumstances other than honorable; (2) the applicant has  
24 served for 180 days of active duty in the United States Armed  
25 Forces in combat duty recognized by the Department of Defense  
26 and has not been discharged dishonorably or under

1 circumstances other than honorable; or (3) the applicant has  
2 successfully received credit for a minimum of 60 credit hours  
3 toward a bachelor's degree from an accredited college or  
4 university.

5 The requirement that a police applicant possess a  
6 bachelor's degree under this subsection may be waived if one  
7 or more of the following applies: (1) the applicant has served  
8 for 36 months of honorable active duty in the United States  
9 Armed Forces and has not been discharged dishonorably or under  
10 circumstances other than honorable or (2) the applicant has  
11 served for 180 days of active duty in the United States Armed  
12 Forces in combat duty recognized by the Department of Defense  
13 and has not been discharged dishonorably or under  
14 circumstances other than honorable.

15 (i) No person who is classified by his local selective  
16 service draft board as a conscientious objector, or who has  
17 ever been so classified, may be appointed to the police  
18 department.

19 (j) No person shall be appointed to the police or fire  
20 department unless he or she is a person of good character and  
21 not an habitual drunkard, gambler, or a person who has been  
22 convicted of a felony or a crime involving moral turpitude. No  
23 person, however, shall be disqualified from appointment to the  
24 fire department because of his or her record of misdemeanor  
25 convictions except those under Sections 11-1.50, 11-6, 11-7,  
26 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2,

1 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3,  
2 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8,  
3 subdivisions (a)(1) and (a)(2)(C) of Section 11-14.3, and  
4 paragraphs (1), (6), and (8) of subsection (a) of Section 24-1  
5 of the Criminal Code of 1961 or the Criminal Code of 2012, or  
6 arrest for any cause without conviction on that cause. Any  
7 such person who is in the department may be removed on charges  
8 brought and after a trial as provided in this Division 2.1.

9 (Source: P.A. 102-538, eff. 8-20-21; 102-813, eff. 5-13-22;  
10 103-357, eff. 1-1-24; revised 7-7-25.)

11 (65 ILCS 5/10-2.1-6.3)

12 Sec. 10-2.1-6.3. Original appointments; full-time fire  
13 department.

14 (a) Applicability. Unless a commission elects to follow  
15 the provisions of Section 10-2.1-6.4, this Section shall apply  
16 to all original appointments to an affected full-time fire  
17 department. Existing registers of eligibles shall continue to  
18 be valid until their expiration dates, or up to a maximum of 2  
19 years after August 4, 2011 (the effective date of Public Act  
20 97-251).

21 Notwithstanding any statute, ordinance, rule, or other law  
22 to the contrary, all original appointments to an affected  
23 department to which this Section applies shall be administered  
24 in the manner provided for in this Section. Provisions of the  
25 Illinois Municipal Code, municipal ordinances, and rules

1 adopted pursuant to such authority and other laws relating to  
2 initial hiring of firefighters in affected departments shall  
3 continue to apply to the extent they are compatible with this  
4 Section, but in the event of a conflict between this Section  
5 and any other law, this Section shall control.

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

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

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

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

1 an affected fire department.

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

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

1 eligibles.

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

21 For the purposes of this Section, "firefighter" means any  
22 person who has been prior to, on, or after August 4, 2011 (the  
23 effective date of Public Act 97-251) appointed to a fire  
24 department or fire protection district or employed by a State  
25 university and sworn or commissioned to perform firefighter  
26 duties or paramedic duties, or both, except that the following

1 persons are not included: part-time firefighters; auxiliary,  
2 reserve, or voluntary firefighters, including paid-on-call  
3 firefighters; clerks and dispatchers or other civilian  
4 employees of a fire department or fire protection district who  
5 are not routinely expected to perform firefighter duties; and  
6 elected officials.

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

1           Residency requirements in effect at the time an individual  
2 enters the fire service of a municipality cannot be made more  
3 restrictive for that individual during his or her period of  
4 service for that municipality, or be made a condition of  
5 promotion, except for the rank or position of fire chief and  
6 for no more than 2 positions that rank immediately below that  
7 of the chief rank which are appointed positions pursuant to  
8 the Fire Department Promotion Act.

9           No person who is 37 ~~35~~ years of age or older shall be  
10 eligible to take an examination for a position as a  
11 firefighter unless the person has had previous employment  
12 status as a firefighter in the regularly constituted fire  
13 department of the municipality, except as provided in this  
14 Section. The age limitation does not apply to:

15           (1) any person previously employed as a full-time  
16 firefighter in a regularly constituted fire department of  
17 (i) any municipality or fire protection district located  
18 in Illinois, (ii) a fire protection district whose  
19 obligations were assumed by a municipality under Section  
20 21 of the Fire Protection District Act, or (iii) a  
21 municipality whose obligations were taken over by a fire  
22 protection district,

23           (2) any person who has served a municipality as a  
24 regularly enrolled volunteer, paid-on-call, or part-time  
25 firefighter, or

26           (3) any person who turned 37 ~~35~~ while serving as a

1 member of the active or reserve components of any of the  
2 branches of the Armed Forces of the United States or the  
3 National Guard of any state, whose service was  
4 characterized as honorable or under honorable, if  
5 separated from the military, and is currently under the  
6 age of 40.

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

9 No applicant shall be examined concerning his or her  
10 political or religious opinions or affiliations. The  
11 examinations shall be conducted by the commissioners of the  
12 municipality or their designees and agents.

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

25 In the event that any applicant who has been found  
26 eligible for appointment and whose name has been placed upon

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

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

1 examination may be given as the commission shall prescribe.

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

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

21 (f) Physical ability. All candidates shall be required to  
22 undergo an examination of their physical ability to perform  
23 the essential functions included in the duties they may be  
24 called upon to perform as a member of a fire department. For  
25 the purposes of this Section, essential functions of the job  
26 are functions associated with duties that a firefighter may be

1 called upon to perform in response to emergency calls. The  
2 frequency of the occurrence of those duties as part of the fire  
3 department's regular routine shall not be a controlling factor  
4 in the design of examination criteria or evolutions selected  
5 for testing. These physical examinations shall be open,  
6 competitive, and based on industry standards designed to test  
7 each applicant's physical abilities in the following  
8 dimensions:

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

17 (2) The ability to climb ladders, operate from  
18 heights, walk or crawl in the dark along narrow and uneven  
19 surfaces, and operate in proximity to hazardous  
20 environments.

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

26 The tests utilized to measure each applicant's

1 capabilities in each of these dimensions may be tests based on  
2 industry standards currently in use or equivalent tests  
3 approved by the Joint Labor-Management Committee of the Office  
4 of the State Fire Marshal.

5 Physical ability examinations administered under this  
6 Section shall be conducted with a reasonable number of  
7 proctors and monitors, open to the public, and subject to  
8 reasonable regulations of the commission.

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

24 The examination components for an initial eligibility  
25 register shall be graded on a 100-point scale. A person's  
26 position on the list shall be determined by the following: (i)

1 the person's score on the written examination, (ii) the person  
2 successfully passing the physical ability component, and (iii)  
3 the person's results on any subjective component as described  
4 in subsection (d).

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

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

26 Commissions may conduct additional examinations, including

1 without limitation a polygraph test, after a final eligibility  
2 register is established and before it expires with the  
3 candidates ranked by total score without regard to date of  
4 examination. No more than 60 days after each examination, an  
5 initial eligibility list shall be posted by the commission  
6 showing the final grades of the candidates without reference  
7 to priority of time of examination and subject to claim for  
8 preference credit.

9 (h) Preferences. The following are preferences:

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

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

25 (3) Educational preference. Persons who have  
26 successfully obtained an associate's degree in the field

1 of fire service or emergency medical services, or a  
2 bachelor's degree from an accredited college or university  
3 may be preferred for appointment to and employment with  
4 the fire department.

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

9 (5) Experience preference. All persons employed by a  
10 municipality who have been paid-on-call or part-time  
11 certified Firefighter II, State of Illinois or nationally  
12 licensed EMT, EMT-I, A-EMT, or any combination of those  
13 capacities shall be awarded 0.5 point for each year of  
14 successful service in one or more of those capacities, up  
15 to a maximum of 5 points. Certified Firefighter III and  
16 State of Illinois or nationally licensed paramedics shall  
17 be awarded one point per year up to a maximum of 5 points.  
18 Applicants from outside the municipality who were employed  
19 as full-time firefighters or firefighter-paramedics by a  
20 fire protection district or another municipality for at  
21 least 2 years shall be awarded 5 experience preference  
22 points. These additional points presuppose a rating scale  
23 totaling 100 points available for the eligibility list. If  
24 more or fewer points are used in the rating scale for the  
25 eligibility list, the points awarded under this subsection  
26 shall be increased or decreased by a factor equal to the

1 total possible points available for the examination  
2 divided by 100.

3 Upon request by the commission, the governing body of  
4 the municipality or in the case of applicants from outside  
5 the municipality the governing body of any fire protection  
6 district or any other 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 shall 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  
12 10-2.1-4 of this Division and the terms established by a  
13 Joint 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 may 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 items (1) and (7.5). The number  
8           of preference points for each category shall range from 0  
9           to 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 may 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 may make a claim in  
10 writing within 10 days after the posting of the initial  
11 eligibility list, or the claim may be deemed waived. Final  
12 eligibility registers may be established after the awarding of  
13 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 37 ~~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 Division, 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.)

9           (65 ILCS 5/10-2.1-14) (from Ch. 24, par. 10-2.1-14)

10          Sec. 10-2.1-14. Register of eligibles. The board of fire  
11 and police commissioners shall prepare and keep a register of  
12 persons whose general average standing, upon examination, is  
13 not less than the minimum fixed by the rules of the board, and  
14 who are otherwise eligible. These persons shall take rank upon  
15 the register as candidates in the order of their relative  
16 excellence as determined by examination, without reference to  
17 priority of time of examination. The board of fire and police  
18 commissioners may prepare and keep a second register of  
19 persons who have previously been full-time sworn officers of a  
20 regular police department in any municipal, county,  
21 university, or State law enforcement agency, provided they are  
22 certified by the Illinois Law Enforcement Training Standards  
23 Board and have been with their respective law enforcement  
24 agency within the State for at least 2 years. The persons on  
25 this list shall take rank upon the register as candidates in

1 the order of their relative excellence as determined by  
2 members of the board of fire and police commissioners.  
3 Applicants who have been awarded a certificate attesting to  
4 their successful completion of the Minimum Standards Basic Law  
5 Enforcement Training Course, as provided in the Illinois  
6 Police Training Act, may be given preference in appointment  
7 over noncertified applicants. Applicants for appointment to  
8 fire departments who are licensed as an EMT, EMT-I, A-EMT, or  
9 paramedic under the Emergency Medical Services (EMS) Systems  
10 Act, may be given preference in appointment over non-licensed  
11 applicants.

12 Within 60 days after each examination, an eligibility list  
13 shall be posted by the board, which shall show the final grades  
14 of the candidates without reference to priority of time of  
15 examination and subject to claim for military credit.  
16 Candidates who are eligible for military credit shall make a  
17 claim in writing within 10 days after the posting of the  
18 eligibility list or such claim shall be deemed waived.  
19 Appointment shall be subject to a final physical examination.

20 If a person is placed on an eligibility list and becomes  
21 overage before he or she is appointed to a police or fire  
22 department, the person remains eligible for appointment until  
23 the list is abolished pursuant to authorized procedures.  
24 Otherwise no person who has attained the age of 36 years shall  
25 be inducted as a member of a police department and no person  
26 who has attained the age of 37 ~~35~~ years shall be inducted as a

1 member of a fire department, except as otherwise provided in  
2 this division. With respect to a police department, a veteran  
3 shall be allowed to exceed the maximum age provision of this  
4 Section by the number of years served on active military duty,  
5 but by no more than 10 years of active military duty.

6 (Source: P.A. 98-973, eff. 8-15-14.)

7 Section 10. The Fire Protection District Act is amended by  
8 changing Sections 16.06 and 16.06b as follows:

9 (70 ILCS 705/16.06) (from Ch. 127 1/2, par. 37.06)

10 Sec. 16.06. Eligibility for positions in fire department;  
11 disqualifications.

12 (a) All applicants for a position in the fire department  
13 of the fire protection district shall be under 37 ~~35~~ years of  
14 age and shall be subjected to examination, which shall be  
15 public, competitive, and free to all applicants, subject to  
16 reasonable limitations as to health, habits, and moral  
17 character; provided that the foregoing age limitation shall  
18 not apply in the case of any person having previous employment  
19 status as a fireman in a regularly constituted fire department  
20 of any fire protection district, and further provided that  
21 each fireman or fire chief who is a member in good standing in  
22 a regularly constituted fire department of any municipality  
23 which shall be or shall have subsequently been included within  
24 the boundaries of any fire protection district now or

1 hereafter organized shall be given a preference for original  
2 appointment in the same class, grade or employment over all  
3 other applicants. The examinations shall be practical in their  
4 character and shall relate to those matters which will fairly  
5 test the persons examined as to their relative capacity to  
6 discharge the duties of the positions to which they seek  
7 appointment. The examinations shall include tests of physical  
8 qualifications and health. No applicant, however, shall be  
9 examined concerning his political or religious opinions or  
10 affiliations. The examinations shall be conducted by the board  
11 of fire commissioners.

12 In any fire protection district that employs full-time  
13 firefighters and is subject to a collective bargaining  
14 agreement, a person who has not qualified for regular  
15 appointment under the provisions of this Section shall not be  
16 used as a temporary or permanent substitute for certificated  
17 members of a fire district's fire department or for regular  
18 appointment as a certificated member of a fire district's fire  
19 department unless mutually agreed to by the employee's  
20 certified bargaining agent. Such agreement shall be considered  
21 a permissive subject of bargaining. Fire protection districts  
22 covered by the changes made by Public Act 95-490 that are using  
23 non-certificated employees as substitutes immediately prior to  
24 June 1, 2008 (the effective date of Public Act 95-490) may, by  
25 mutual agreement with the certified bargaining agent, continue  
26 the existing practice or a modified practice and that

1 agreement shall be considered a permissive subject of  
2 bargaining.

3 (b) No person shall be appointed to the fire department  
4 unless he or she is a person of good character and not a person  
5 who has been convicted of a felony in Illinois or convicted in  
6 another jurisdiction for conduct that would be a felony under  
7 Illinois law, or convicted of a crime involving moral  
8 turpitude. No person, however, shall be disqualified from  
9 appointment to the fire department because of his or her  
10 record of misdemeanor convictions, except those under Sections  
11 11-1.50, 11-6, 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19,  
12 11-30, 11-35, 12-2, 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1,  
13 24-5, 25-1, 28-3, 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3,  
14 32-4, and 32-8, subdivisions (a) (1) and (a) (2) (C) of Section  
15 11-14.3, and paragraphs (1), (6), and (8) of subsection (a) of  
16 Section 24-1 of the Criminal Code of 1961 or the Criminal Code  
17 of 2012.

18 (Source: P.A. 102-813, eff. 5-13-22.)

19 (70 ILCS 705/16.06b)

20 Sec. 16.06b. Original appointments; full-time fire  
21 department.

22 (a) Applicability. Unless a commission elects to follow  
23 the provisions of Section 16.06c, this Section shall apply to  
24 all original appointments to an affected full-time fire  
25 department. Existing registers of eligibles shall continue to

1 be valid until their expiration dates, or up to a maximum of 2  
2 years after August 4, 2011 (the effective date of Public Act  
3 97-251).

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

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

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

1 affected fire department.

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

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

1 eligibles.

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

23       For the purposes of this Section, "firefighter" means any  
24 person who has been prior to, on, or after August 4, 2011 (the  
25 effective date of Public Act 97-251) appointed to a fire  
26 department or fire protection district or employed by a State

1 university and sworn or commissioned to perform firefighter  
2 duties or paramedic duties, or both, except that the following  
3 persons are not included: part-time firefighters; auxiliary,  
4 reserve, or voluntary firefighters, including paid-on-call  
5 firefighters; clerks and dispatchers or other civilian  
6 employees of a fire department or fire protection district who  
7 are not routinely expected to perform firefighter duties; and  
8 elected officials.

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

1 district may charge a fee to cover the costs of the application  
2 process.

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

11 No person who is 37 ~~35~~ years of age or older shall be  
12 eligible to take an examination for a position as a  
13 firefighter unless the person has had previous employment  
14 status as a firefighter in the regularly constituted fire  
15 department of the district, except as provided in this  
16 Section. The age limitation does not apply to:

17 (1) any person previously employed as a full-time  
18 firefighter in a regularly constituted fire department of  
19 (i) any municipality or fire protection district located  
20 in Illinois, (ii) a fire protection district whose  
21 obligations were assumed by a municipality under Section  
22 21 of the Fire Protection District Act, or (iii) a  
23 municipality whose obligations were taken over by a fire  
24 protection district;

25 (2) any person who has served a fire district as a  
26 regularly enrolled volunteer, paid-on-call, or part-time

1 firefighter; or

2 (3) any person who turned 37 ~~35~~ while serving as a  
3 member of the active or reserve components of any of the  
4 branches of the Armed Forces of the United States or the  
5 National Guard of any state, whose service was  
6 characterized as honorable or under honorable, if  
7 separated from the military, and is currently under the  
8 age of 40.

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

11 No applicant shall be examined concerning his or her  
12 political or religious opinions or affiliations. The  
13 examinations shall be conducted by the commissioners of the  
14 district or their designees and agents.

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

26 In the event that any applicant who has been found

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

19 (d) Notice, examination, and testing components. Notice of  
20 the time, place, general scope, merit criteria for any  
21 subjective component, and fee of every examination shall be  
22 given by the commission, by a publication at least 2 weeks  
23 preceding the examination: (i) in one or more newspapers  
24 published in the district, or if no newspaper is published  
25 therein, then in one or more newspapers with a general  
26 circulation within the district, or (ii) on the fire

1 protection district's Internet website. Additional notice of  
2 the examination may be given as the commission shall  
3 prescribe.

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

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

23 (f) Physical ability. All candidates shall be required to  
24 undergo an examination of their physical ability to perform  
25 the essential functions included in the duties they may be  
26 called upon to perform as a member of a fire department. For

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

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

19 (2) The ability to climb ladders, operate from  
20 heights, walk or crawl in the dark along narrow and uneven  
21 surfaces, and operate in proximity to hazardous  
22 environments.

23 (3) The ability to carry out critical, time-sensitive,  
24 and complex problem solving during physical exertion in  
25 stressful and hazardous environments. The testing  
26 environment may be hot and dark with tightly enclosed

1 spaces, flashing lights, sirens, and other distractions.

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

7 Physical ability examinations administered under this  
8 Section shall be conducted with a reasonable number of  
9 proctors and monitors, open to the public, and subject to  
10 reasonable regulations of the commission.

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

26 The examination components for an initial eligibility

1 register shall be graded on a 100-point scale. A person's  
2 position on the list shall be determined by the following: (i)  
3 the person's score on the written examination, (ii) the person  
4 successfully passing the physical ability component, and (iii)  
5 the person's results on any subjective component as described  
6 in subsection (d).

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

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

1 preference credit.

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

11 (h) Preferences. The following are preferences:

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

20 (2) Fire cadet preference. Persons who have  
21 successfully completed 2 years of study in fire techniques  
22 or cadet training within a cadet program established under  
23 the rules of the Joint Labor and Management Committee  
24 (JLMC), as defined in Section 50 of the Fire Department  
25 Promotion Act, may be preferred for appointment to and  
26 employment with the fire department.

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

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

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

25          Upon request by the commission, the governing body of  
26          the district or in the case of applicants from outside the

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

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

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

24 (7.5) Apprentice preferences. A person who has  
25 performed fire suppression service for a department as a  
26 firefighter apprentice and otherwise meets the

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

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

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

23          No person entitled to any preference shall be required to  
24          claim the credit before any examination held under the  
25          provisions of this Section, but the preference shall be given  
26          after the posting or publication of the initial eligibility

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

22 Any person placed on an eligibility list who exceeds the  
23 age requirement before being appointed to a fire department  
24 shall remain eligible for appointment until the list is  
25 abolished, or his or her name has been on the list for a period  
26 of 2 years. No person who has attained the age of 37 ~~35~~ years

1 shall be inducted into a fire department, except as otherwise  
2 provided in this Section.

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

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

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

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

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

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

23           A person who is the knowing recipient of test information  
24 in advance of the examination shall be disqualified from the  
25 examination or discharged from the position to which he or she  
26 was appointed, as applicable, and otherwise subjected to

1 disciplinary actions.

2 (Source: P.A. 101-489, eff. 8-23-19; 102-375, eff. 8-13-21;

3 102-538, eff. 8-20-21; 102-558, eff. 8-20-21; 102-813, eff.

4 5-13-22.)