



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB0193

Introduced 1/22/2025, by Sen. Michael W. Halpin

SYNOPSIS AS INTRODUCED:

65 ILCS 5/10-1-7.1
65 ILCS 5/10-2.1-6.3
65 ILCS 5/10-4-15 new
70 ILCS 705/16.06b

Amends the Illinois Municipal Code. Provides that a municipality may establish an apprenticeship program through which the municipality's full-time fire department may contract with a fire protection district to have the municipality's apprentices age 18 to 20 perform volunteer apprentice firefighter duties for the fire protection district's volunteer fire department. Requires the contract between the fire department and fire protection district to specify the duties a volunteer apprentice firefighter may perform for the fire protection district, specify the training the volunteer apprentice firefighter must have before working for the fire protection district, and describe whether the volunteer apprentice firefighter will be performing firefighting duties requiring the apprentice to first obtain Basic Operations Firefighter Certification from the Office of the State Fire Marshal. Requires a program established under the provisions to be a mandatory subject of bargaining. Provides that to be admitted to the apprenticeship program an individual must commit to working as a volunteer apprentice firefighter for the fire protection district until age 21 and to working 3 years as a full-time firefighter with the municipality's fire department. Amends the Fire Protection District Act. Provides that no person who is under 21 years of age shall be eligible for employment as a firefighter unless hired as a volunteer apprentice firefighter through an apprenticeship program.

LRB104 02963 RTM 12979 b

1 AN ACT concerning local government.

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

4 Section 5. The Illinois Municipal Code is amended by
5 changing Sections 10-1-7.1 and 10-2.1-6.3 and by adding
6 Section 10-4-15 as follows:

7 (65 ILCS 5/10-1-7.1)

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

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

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

1 continue to apply to the extent they are compatible with this
2 Section, but in the event of a conflict between this Section
3 and any other law, this Section shall control.

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

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

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

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

26 Whenever an appointing authority authorizes action to hire

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

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

26 The sole authority to issue certificates of appointment

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

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

1 employees of a fire department or fire protection district who
2 are not routinely expected to perform firefighter duties; and
3 elected officials.

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

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

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

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

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

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

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

1 honorable or under honorable, if separated from the
2 military, and is currently under the age of 40.

3 No person who is under 21 years of age shall be eligible
4 for employment as a firefighter unless hired as a volunteer
5 apprentice firefighter through an apprenticeship program
6 established under Section 10-4-15.

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

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

23 In the event that any applicant who has been found
24 eligible for appointment and whose name has been placed upon
25 the final eligibility register provided for in this Division 1
26 has not been appointed to a firefighter position within one

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

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

26 The examination and qualifying standards for employment of

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

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

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

1 department's regular routine shall not be a controlling factor
2 in the design of examination criteria or evolutions selected
3 for testing. These physical examinations shall be open,
4 competitive, and based on industry standards designed to test
5 each applicant's physical abilities in the following
6 dimensions:

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

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

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

24 The tests utilized to measure each applicant's
25 capabilities in each of these dimensions may be tests based on
26 industry standards currently in use or equivalent tests

1 approved by the Joint Labor-Management Committee of the Office
2 of the State Fire Marshal.

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

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

22 The examination components for an initial eligibility
23 register shall be graded on a 100-point scale. A person's
24 position on the list shall be determined by the following: (i)
25 the person's score on the written examination, (ii) the person
26 successfully passing the physical ability component, and (iii)

1 the person's results on any subjective component as described
2 in subsection (d).

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

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

24 Commissions may conduct additional examinations, including
25 without limitation a polygraph test, after a final eligibility
26 register is established and before it expires with the

1 candidates ranked by total score without regard to date of
2 examination. No more than 60 days after each examination, an
3 initial eligibility list shall be posted by the commission
4 showing the final grades of the candidates without reference
5 to priority of time of examination and subject to claim for
6 preference credit.

7 (h) Preferences. The following are preferences:

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

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

23 (3) Educational preference. Persons who have
24 successfully obtained an associate's degree in the field
25 of fire service or emergency medical services, or a
26 bachelor's degree from an accredited college or university

1 may be preferred for appointment to and employment with
2 the fire department.

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

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

21 Upon request by the commission, the governing body of
22 the municipality or in the case of applicants from outside
23 the municipality the governing body of any fire protection
24 district or any other municipality shall certify to the
25 commission, within 10 days after the request, the number
26 of years of successful paid-on-call, part-time, or

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

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

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

20 (7.5) Apprentice preferences. A person who has
21 performed fire suppression service for a department as a
22 firefighter apprentice and otherwise meets the
23 qualifications for original appointment as a firefighter
24 specified in this Section may be awarded up to 20
25 preference points. To qualify for preference points, an
26 applicant shall have completed a minimum of 600 hours of

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

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

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

19 No person entitled to any preference shall be required to
20 claim the credit before any examination held under the
21 provisions of this Section, but the preference shall be given
22 after the posting or publication of the initial eligibility
23 list or register at the request of a person entitled to a
24 credit before any certification or appointments are made from
25 the eligibility register, upon the furnishing of verifiable
26 evidence and proof of qualifying preference credit. Candidates

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

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

25 The commission shall strike off the names of candidates
26 for original appointment after the names have been on the list

1 for more than 2 years.

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

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

23 Whenever a commission is authorized or required by law to
24 consider some aspect of criminal history record information
25 for the purpose of carrying out its statutory powers and
26 responsibilities, then, upon request and payment of fees in

1 conformance with the requirements of Section 2605-400 of the
2 Illinois State Police Law of the Civil Administrative Code of
3 Illinois, the Illinois State Police is authorized to furnish,
4 pursuant to positive identification, the information contained
5 in State files as is necessary to fulfill the request.

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

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

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

24 (Source: P.A. 101-489, eff. 8-23-19; 102-375, eff. 8-13-21;
25 102-538, eff. 8-20-21; 102-558, eff. 8-20-21; 102-813, eff.
26 5-13-22.)

1 (65 ILCS 5/10-2.1-6.3)

2 Sec. 10-2.1-6.3. Original appointments; full-time fire
3 department.

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

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

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

1 concurrent exercise by home rule units of the powers and
2 functions exercised by the State.

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

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

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

18 Whenever an appointing authority authorizes action to hire
19 a person to perform the duties of a firefighter or to hire a
20 firefighter-paramedic to fill a position that is a new
21 position or vacancy due to resignation, discharge, promotion,
22 death, the granting of a disability or retirement pension, or
23 any other cause, the appointing authority shall appoint to
24 that position the person with the highest ranking on the final
25 eligibility list. If the appointing authority has reason to
26 conclude that the highest ranked person fails to meet the

1 minimum standards for the position or if the appointing
2 authority believes an alternate candidate would better serve
3 the needs of the department, then the appointing authority has
4 the right to pass over the highest ranked person and appoint
5 either: (i) any person who has a ranking in the top 5% of the
6 register of eligibles or (ii) any person who is among the top 5
7 highest ranked persons on the list of eligibles if the number
8 of people who have a ranking in the top 5% of the register of
9 eligibles is less than 5 people.

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

18 The sole authority to issue certificates of appointment
19 shall be vested in the board of fire and police commissioners.
20 All certificates of appointment issued to any officer or
21 member of an affected department shall be signed by the
22 chairperson and secretary, respectively, of the board upon
23 appointment of such officer or member to the affected
24 department by action of the board. After being selected from
25 the register of eligibles to fill a vacancy in the affected
26 department, each appointee shall be presented with his or her

1 certificate of appointment on the day on which he or she is
2 sworn in as a classified member of the affected department.
3 Firefighters who were not issued a certificate of appointment
4 when originally appointed shall be provided with a certificate
5 within 10 days after making a written request to the
6 chairperson of the board of fire and police commissioners.
7 Each person who accepts a certificate of appointment and
8 successfully completes his or her probationary period shall be
9 enrolled as a firefighter and as a regular member of the fire
10 department.

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

23 (c) Qualification for placement on register of eligibles.
24 The purpose of establishing a register of eligibles is to
25 identify applicants who possess and demonstrate the mental
26 aptitude and physical ability to perform the duties required

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

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

25 No person who is 35 years of age or older shall be eligible
26 to take an examination for a position as a firefighter unless

1 the person has had previous employment status as a firefighter
2 in the regularly constituted fire department of the
3 municipality, except as provided in this Section. The age
4 limitation does not apply to:

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

13 (2) any person who has served a municipality as a
14 regularly enrolled volunteer, paid-on-call, or part-time
15 firefighter, or

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

22 No person who is under 21 years of age shall be eligible
23 for employment as a firefighter unless hired as a volunteer
24 apprentice firefighter through an apprenticeship program
25 established under Section 10-4-15.

26 No applicant shall be examined concerning his or her

1 political or religious opinions or affiliations. The
2 examinations shall be conducted by the commissioners of the
3 municipality or their designees and agents.

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

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

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

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

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

1 be made available to the public.

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

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

26 (1) Muscular strength to perform tasks and evolutions

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

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

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

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

22 Physical ability examinations administered under this
23 Section shall be conducted with a reasonable number of
24 proctors and monitors, open to the public, and subject to
25 reasonable regulations of the commission.

26 (g) Scoring of examination components. Appointing

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

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

22 In order to qualify for placement on the final eligibility
23 register, an applicant's score on the written examination,
24 before any applicable preference points or subjective points
25 are applied, shall be at or above the minimum score as set by
26 the commission. The local appointing authority may prescribe

1 the score to qualify for placement on the final eligibility
2 register, but the score shall not be less than the minimum
3 score set by the commission.

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

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

26 (h) Preferences. The following are preferences:

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

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

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

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

26 (5) Experience preference. All persons employed by a

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

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

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

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

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

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

1 fire department over a 12-month period. The fire
2 suppression work must be in accordance with Section
3 10-2.1-4 of this Division and the terms established by a
4 Joint Apprenticeship Committee included in a collective
5 bargaining agreement agreed between the employer and its
6 certified bargaining agent. An eligible applicant must
7 apply to the Joint Apprenticeship Committee for preference
8 points under this item. The Joint Apprenticeship Committee
9 shall evaluate the merit of the applicant's performance,
10 determine the preference points to be awarded, and certify
11 the amount of points awarded to the commissioners. The
12 commissioners may add the certified preference points to
13 the final grades achieved by the applicant on the other
14 components of the examination.

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

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

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

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

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

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

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

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

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

1 Illinois State Police Law of the Civil Administrative Code of
2 Illinois, the Illinois State Police is authorized to furnish,
3 pursuant to positive identification, the information contained
4 in State files as is necessary to fulfill the request.

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

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

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

23 (Source: P.A. 101-489, eff. 8-23-19; 102-375, eff. 8-13-21;
24 102-538, eff. 8-20-21; 102-558, eff. 8-20-21; 102-813, eff.
25 5-13-22.)

1 (65 ILCS 5/10-4-15 new)

2 Sec. 10-4-15. Fire department apprenticeship program.

3 (a) The corporate authorities of a municipality may
4 establish an apprenticeship program through which the
5 municipality's full-time fire department may contract with a
6 fire protection district to have the municipality's
7 apprentices age 18 to 20 perform volunteer apprentice
8 firefighter duties for the fire protection district's
9 volunteer fire department. The contract between the fire
10 department and fire protection district shall specify the
11 duties a volunteer apprentice firefighter may perform for the
12 fire protection district, shall specify the training the
13 volunteer apprentice firefighter must have before working for
14 the fire protection district, and shall describe whether the
15 volunteer apprentice firefighter will be performing
16 firefighting duties requiring the apprentice to first obtain
17 Basic Operations Firefighter Certification from the Office of
18 the State Fire Marshal. The establishment of an apprenticeship
19 program under this Section and the terms and conditions of an
20 apprenticeship program are conditions of employment for the
21 purposes of collective bargaining and shall be mandatory
22 subjects of bargaining.

23 (b) To be admitted to the apprenticeship program, an
24 individual must commit to working as a volunteer apprentice
25 firefighter for the fire protection district until age 21 and
26 to working 3 years as a full-time firefighter with the

1 municipality's fire department.

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

4 (70 ILCS 705/16.06b)

5 Sec. 16.06b. Original appointments; full-time fire
6 department.

7 (a) Applicability. Unless a commission elects to follow
8 the provisions of Section 16.06c, this Section shall apply to
9 all original appointments to an affected full-time fire
10 department. Existing registers of eligibles shall continue to
11 be valid until their expiration dates, or up to a maximum of 2
12 years after August 4, 2011 (the effective date of Public Act
13 97-251).

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

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

7 (b) Original appointments. All original appointments made
8 to an affected fire department shall be made from a register of
9 eligibles established in accordance with the processes
10 required by this Section. Only persons who meet or exceed the
11 performance standards required by the Section shall be placed
12 on a register of eligibles for original appointment to an
13 affected fire department.

14 Whenever an appointing authority authorizes action to hire
15 a person to perform the duties of a firefighter or to hire a
16 firefighter-paramedic to fill a position that is a new
17 position or vacancy due to resignation, discharge, promotion,
18 death, the granting of a disability or retirement pension, or
19 any other cause, the appointing authority shall appoint to
20 that position the person with the highest ranking on the final
21 eligibility list. If the appointing authority has reason to
22 conclude that the highest ranked person fails to meet the
23 minimum standards for the position or if the appointing
24 authority believes an alternate candidate would better serve
25 the needs of the department, then the appointing authority has
26 the right to pass over the highest ranked person and appoint

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

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

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

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

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

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

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

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

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

1 except as provided in this Section. The age limitation does
2 not apply to:

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

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

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

20 No person who is under 21 years of age shall be eligible
21 for employment as a firefighter unless hired as a volunteer
22 apprentice firefighter through an apprenticeship program
23 established under Section 10-4-15 of the Illinois Municipal
24 Code.

25 No applicant shall be examined concerning his or her
26 political or religious opinions or affiliations. The

1 examinations shall be conducted by the commissioners of the
2 district or their designees and agents.

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

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

1 certification and appointment that applicant may be again
2 examined as provided in this Section, and if the physical
3 ability of that applicant is found to be less than the minimum
4 standard fixed by the rules of the commission, the applicant
5 shall not be appointed, and the name of the applicant shall be
6 removed from the register.

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

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

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

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

25 (1) Muscular strength to perform tasks and evolutions
26 that may be required in the performance of duties

1 including grip strength, leg strength, and arm strength.
2 Tests shall be conducted under anaerobic as well as
3 aerobic conditions to test both the candidate's speed and
4 endurance in performing tasks and evolutions. Tasks tested
5 may be based on standards developed, or approved, by the
6 local appointing authority.

7 (2) The ability to climb ladders, operate from
8 heights, walk or crawl in the dark along narrow and uneven
9 surfaces, and operate in proximity to hazardous
10 environments.

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

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

21 Physical ability examinations administered under this
22 Section shall be conducted with a reasonable number of
23 proctors and monitors, open to the public, and subject to
24 reasonable regulations of the commission.

25 (g) Scoring of examination components. Appointing
26 authorities may create a preliminary eligibility register. A

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

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

21 In order to qualify for placement on the final eligibility
22 register, an applicant's score on the written examination,
23 before any applicable preference points or subjective points
24 are applied, shall be at or above the minimum score set by the
25 commission. The local appointing authority may prescribe the
26 score to qualify for placement on the final eligibility

1 register, but the score shall not be less than the minimum
2 score set by the commission.

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

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

25 (h) Preferences. The following are preferences:

26 (1) Veteran preference. Persons who were engaged in

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

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

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

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

25 (5) Experience preference. All persons employed by a
26 district who have been paid-on-call or part-time certified

1 Firefighter II, certified Firefighter III, State of
2 Illinois or nationally licensed EMT, EMT-I, A-EMT, or
3 paramedic, or any combination of those capacities may be
4 awarded up to a maximum of 5 points. However, the
5 applicant may not be awarded more than 0.5 points for each
6 complete year of paid-on-call or part-time service.
7 Applicants from outside the district who were employed as
8 full-time firefighters or firefighter-paramedics by a fire
9 protection district or municipality for at least 2 years
10 may be awarded up to 5 experience preference points.
11 However, the applicant may not be awarded more than one
12 point for each complete year of full-time service.

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

1 based on the totals received if all points under this
2 subsection were to be awarded. Any remaining ties on the
3 list shall be determined by lot.

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

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

12 (7.5) Apprentice preferences. A person who has
13 performed fire suppression service for a department as a
14 firefighter apprentice and otherwise meets the
15 qualifications for original appointment as a firefighter
16 specified in this Section is eligible to be awarded up to
17 20 preference points. To qualify for preference points, an
18 applicant shall have completed a minimum of 600 hours of
19 fire suppression work on a regular shift for the affected
20 fire department over a 12-month period. The fire
21 suppression work must be in accordance with Section 16.06
22 of this Act and the terms established by a Joint
23 Apprenticeship Committee included in a collective
24 bargaining agreement agreed between the employer and its
25 certified bargaining agent. An eligible applicant must
26 apply to the Joint Apprenticeship Committee for preference

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

8 (8) Scoring of preferences. The commission shall give
9 preference for original appointment to persons designated
10 in item (1) by adding to the final grade that they receive
11 5 points for the recognized preference achieved. The
12 commission may give preference for original appointment to
13 persons designated in item (7.5) by adding to the final
14 grade the amount of points designated by the Joint
15 Apprenticeship Committee as defined in item (7.5). The
16 commission shall determine the number of preference points
17 for each category, except (1) and (7.5). The number of
18 preference points for each category shall range from 0 to
19 5, except item (7.5). In determining the number of
20 preference points, the commission shall prescribe that if
21 a candidate earns the maximum number of preference points
22 in all categories except item (7.5), that number may not
23 be less than 10 nor more than 30. The commission shall give
24 preference for original appointment to persons designated
25 in items (2) through (7) by adding the requisite number of
26 points to the final grade for each recognized preference

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

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

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

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

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

20 (i) Moral character. No person shall be appointed to a
21 fire department unless he or she is a person of good character;
22 not a habitual drunkard, a gambler, or a person who has been
23 convicted of a felony or a crime involving moral turpitude.
24 However, no person shall be disqualified from appointment to
25 the fire department because of the person's record of
26 misdemeanor convictions except those under Sections 11-6,

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

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

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

24 (j) Temporary appointments. In order to prevent a stoppage
25 of public business, to meet extraordinary exigencies, or to
26 prevent material impairment of the fire department, the

1 commission may make temporary appointments, to remain in force
2 only until regular appointments are made under the provisions
3 of this Section, but never to exceed 60 days. No temporary
4 appointment of any one person shall be made more than twice in
5 any calendar year.

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

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

16 (Source: P.A. 101-489, eff. 8-23-19; 102-375, eff. 8-13-21;
17 102-538, eff. 8-20-21; 102-558, eff. 8-20-21; 102-813, eff.
18 5-13-22.)