



Sen. Patrick J. Joyce

Filed: 4/4/2025

10400SB0633sam001

LRB104 06911 RTM 24932 a

1 AMENDMENT TO SENATE BILL 633

2 AMENDMENT NO. _____. Amend Senate Bill 633 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Pension Code is amended by
5 changing Sections 4-109, 4-109.3, 4-112, 4-113, and 4-114 as
6 follows:

7 (40 ILCS 5/4-109) (from Ch. 108 1/2, par. 4-109)

8 Sec. 4-109. Pension.

9 (a) A firefighter age 50 or more (or age 48 or more if he
10 or she first became a firefighter at age 18) with 20 or more
11 years of creditable service, who is no longer in service as a
12 firefighter, shall receive a monthly pension of 1/2 the
13 monthly salary attached to the rank held by him or her in the
14 fire service at the date of retirement.

15 The monthly pension shall be increased by 1/12 of 2.5% of
16 such monthly salary for each additional month over 20 years of

1 service through 30 years of service, to a maximum of 75% of
2 such monthly salary.

3 The changes made to this subsection (a) by this amendatory
4 Act of the 91st General Assembly apply to all pensions that
5 become payable under this subsection on or after January 1,
6 1999. All pensions payable under this subsection that began on
7 or after January 1, 1999 and before the effective date of this
8 amendatory Act shall be recalculated, and the amount of the
9 increase accruing for that period shall be payable to the
10 pensioner in a lump sum.

11 (b) A firefighter who retires or is separated from service
12 having at least 10 but less than 20 years of creditable
13 service, who is not entitled to receive a disability pension,
14 and who did not apply for a refund of contributions at his or
15 her last separation from service shall receive a monthly
16 pension upon attainment of age 60 based on the monthly salary
17 attached to his or her rank in the fire service on the date of
18 retirement or separation from service according to the
19 following schedule:

20 For 10 years of service, 15% of salary;

21 For 11 years of service, 17.6% of salary;

22 For 12 years of service, 20.4% of salary;

23 For 13 years of service, 23.4% of salary;

24 For 14 years of service, 26.6% of salary;

25 For 15 years of service, 30% of salary;

26 For 16 years of service, 33.6% of salary;

1 For 17 years of service, 37.4% of salary;

2 For 18 years of service, 41.4% of salary;

3 For 19 years of service, 45.6% of salary.

4 (c) Notwithstanding any other provision of this Article,
5 the provisions of this subsection (c) apply to a person who
6 first becomes a firefighter under this Article on or after
7 January 1, 2011.

8 A firefighter age 55 or more (or age 53 or more if he or
9 she first became a firefighter at age 18) who has 10 or more
10 years of service in that capacity shall be entitled at his
11 option to receive a monthly pension for his service as a
12 firefighter computed by multiplying 2.5% for each year of such
13 service by his or her final average salary.

14 The pension of a firefighter who is retiring after
15 attaining age 50 (or age 48 if he or she first became a
16 firefighter at age 18) with 10 or more years of creditable
17 service shall be reduced by one-half of 1% for each month that
18 the firefighter's age is under age 55 (or under age 53 if he or
19 she first became a firefighter at age 18).

20 The maximum pension under this subsection (c) shall be 75%
21 of final average salary.

22 For the purposes of this subsection (c), "final average
23 salary" means the greater of: (i) the average monthly salary
24 obtained by dividing the total salary of the firefighter
25 during the 48 consecutive months of service within the last 60
26 months of service in which the total salary was the highest by

1 the number of months of service in that period; or (ii) the
2 average monthly salary obtained by dividing the total salary
3 of the firefighter during the 96 consecutive months of service
4 within the last 120 months of service in which the total salary
5 was the highest by the number of months of service in that
6 period.

7 Beginning on January 1, 2011, for all purposes under this
8 Code (including without limitation the calculation of benefits
9 and employee contributions), the annual salary based on the
10 plan year of a member or participant to whom this Section
11 applies shall not exceed \$106,800; however, that amount shall
12 annually thereafter be increased by the lesser of (i) 3% of
13 that amount, including all previous adjustments, or (ii) the
14 annual unadjusted percentage increase (but not less than zero)
15 in the consumer price index-u for the 12 months ending with the
16 September preceding each November 1, including all previous
17 adjustments.

18 Nothing in this amendatory Act of the 101st General
19 Assembly shall cause or otherwise result in any retroactive
20 adjustment of any employee contributions.

21 (Source: P.A. 101-610, eff. 1-1-20.)

22 (40 ILCS 5/4-109.3)

23 Sec. 4-109.3. Employee creditable service.

24 (a) As used in this Section:

25 "Final monthly salary" means the monthly salary attached

1 to the rank held by the firefighter at the time of his or her
2 last withdrawal from service under a particular pension fund.

3 "Last pension fund" means the pension fund in which the
4 firefighter was participating at the time of his or her last
5 withdrawal from service.

6 (b) The benefits provided under this Section are available
7 only to a firefighter who:

8 (1) is a firefighter at the time of withdrawal from
9 the last pension fund and for at least the final 3 years of
10 employment prior to that withdrawal;

11 (2) has established service credit with at least one
12 pension fund established under this Article other than the
13 last pension fund;

14 (3) has a total of at least 20 years of service under
15 the various pension funds established under this Article
16 and has attained age 50 or age 48 if he or she first became
17 a firefighter at age 18; and

18 (4) is in service on or after the effective date of
19 this amendatory Act of the 93rd General Assembly.

20 (c) A firefighter who is eligible for benefits under this
21 Section may elect to receive a retirement pension from each
22 pension fund under this Article in which the firefighter has
23 at least one year of service credit but has not received a
24 refund under Section 4-116 (unless the firefighter repays that
25 refund under subsection (g)) or subsection (c) of Section
26 4-118.1, by applying in writing and paying the contribution

1 required under subsection (i).

2 (d) From each such pension fund other than the last
3 pension fund, in lieu of any retirement pension otherwise
4 payable under this Article, a firefighter to whom this Section
5 applies may elect to receive a monthly pension of 1/12th of
6 2.5% of his or her final monthly salary under that fund for
7 each month of service in that fund, subject to a maximum of 75%
8 of that final monthly salary.

9 (e) From the last pension fund, in lieu of any retirement
10 pension otherwise payable under this Article, a firefighter to
11 whom this Section applies may elect to receive a monthly
12 pension calculated as follows:

13 The last pension fund shall calculate the retirement
14 pension that would be payable to the firefighter under Section
15 4-109 as if he or she had participated in that last pension
16 fund during his or her entire period of service under all
17 pension funds established under this Article (excluding any
18 period of service for which the firefighter has received a
19 refund under Section 4-116, unless the firefighter repays that
20 refund under subsection (g), or for which the firefighter has
21 received a refund under subsection (c) of Section 4-118.1).
22 From this hypothetical pension there shall be subtracted the
23 original amounts of the retirement pensions payable to the
24 firefighter by all other pension funds under subsection (d).
25 The remainder is the retirement pension payable to the
26 firefighter by the last pension fund under this subsection

1 (e) .

2 (f) Pensions elected under this Section shall be subject
3 to increases as provided in Section 4-109.1.

4 (g) A current firefighter may reinstate creditable service
5 in a pension fund established under this Article that was
6 terminated upon receipt of a refund, by payment to that
7 pension fund of the amount of the refund together with
8 interest thereon at the rate of 6% per year, compounded
9 annually, from the date of the refund to the date of payment. A
10 repayment of a refund under this Section may be made in equal
11 installments over a period of up to 10 years, but must be paid
12 in full prior to retirement.

13 (h) As a condition of being eligible for the benefits
14 provided in this Section, a person who is hired to a position
15 as a firefighter on or after July 1, 2004 must, within 21
16 months after being hired, notify the new employer, all of his
17 or her previous employers under this Article, and the Public
18 Pension Division of the Department of Insurance of his or her
19 intent to receive the benefits provided under this Section.

20 As a condition of being eligible for the benefits provided
21 in this Section, a person who first becomes a firefighter
22 under this Article after December 31, 2010 must (1) within 21
23 months after being hired or within 21 months after the
24 effective date of this amendatory Act of the 102nd General
25 Assembly, whichever is later, notify the new employer, all of
26 his or her previous employers under this Article, and the

1 Public Pension Division of the Department of Insurance of his
2 or her intent to receive the benefits provided under this
3 Section; and (2) make the required contributions with
4 applicable interest. A person who first becomes a firefighter
5 under this Article after December 31, 2010 and who, before the
6 effective date of this amendatory Act of the 102nd General
7 Assembly, notified the new employer, all of his or her
8 previous employers under this Article, and the Public Pension
9 Division of the Department of Insurance of his or her intent to
10 receive the benefits provided under this Section shall be
11 deemed to have met the notice requirement under item (1) of the
12 preceding sentence. The changes made to this Section by this
13 amendatory Act of the 102nd General Assembly apply
14 retroactively, notwithstanding Section 1-103.1.

15 (i) In order to receive a pension under this Section or an
16 occupational disease disability pension for which he or she
17 becomes eligible due to the application of subsection (m) of
18 this Section, a firefighter must pay to each pension fund from
19 which he or she has elected to receive a pension under this
20 Section a contribution equal to 1% of monthly salary for each
21 month of service credit that the firefighter has in that fund
22 (other than service credit for which the firefighter has
23 already paid the additional contribution required under
24 subsection (c) of Section 4-118.1), together with interest
25 thereon at the rate of 6% per annum, compounded annually, from
26 the firefighter's first day of employment with that fund or

1 the first day of the fiscal year of that fund that immediately
2 precedes the firefighter's first day of employment with that
3 fund, whichever is earlier.

4 In order for a firefighter who, as of the effective date of
5 this amendatory Act of the 93rd General Assembly, has not
6 begun to receive a pension under this Section or an
7 occupational disease disability pension under subsection (m)
8 of this Section and who has contributed 1/12th of 1% of monthly
9 salary for each month of service credit that the firefighter
10 has in that fund (other than service credit for which the
11 firefighter has already paid the additional contribution
12 required under subsection (c) of Section 4-118.1), together
13 with the required interest thereon, to receive a pension under
14 this Section or an occupational disease disability pension for
15 which he or she becomes eligible due to the application of
16 subsection (m) of this Section, the firefighter must, within
17 one year after the effective date of this amendatory Act of the
18 93rd General Assembly, make an additional contribution equal
19 to 11/12ths of 1% of monthly salary for each month of service
20 credit that the firefighter has in that fund (other than
21 service credit for which the firefighter has already paid the
22 additional contribution required under subsection (c) of
23 Section 4-118.1), together with interest thereon at the rate
24 of 6% per annum, compounded annually, from the firefighter's
25 first day of employment with that fund or the first day of the
26 fiscal year of that fund that immediately precedes the

1 firefighter's first day of employment with the fund, whichever
2 is earlier. A firefighter who, as of the effective date of this
3 amendatory Act of the 93rd General Assembly, has not begun to
4 receive a pension under this Section or an occupational
5 disease disability pension under subsection (m) of this
6 Section and who has contributed 1/12th of 1% of monthly salary
7 for each month of service credit that the firefighter has in
8 that fund (other than service credit for which the firefighter
9 has already paid the additional contribution required under
10 subsection (c) of Section 4-118.1), together with the required
11 interest thereon, in order to receive a pension under this
12 Section or an occupational disease disability pension under
13 subsection (m) of this Section, may elect, within one year
14 after the effective date of this amendatory Act of the 93rd
15 General Assembly to forfeit the benefits provided under this
16 Section and receive a refund of that contribution.

17 (j) A retired firefighter who is receiving pension
18 payments under Section 4-109 may reenter active service under
19 this Article. Subject to the provisions of Section 4-117, the
20 firefighter may receive credit for service performed after the
21 reentry if the firefighter (1) applies to receive credit for
22 that service, (2) suspends his or her pensions under this
23 Section, and (3) makes the contributions required under
24 subsection (i).

25 (k) A firefighter who is newly hired or promoted to a
26 position as a firefighter shall not be denied participation in

1 a fund under this Article based on his or her age.

2 (1) If a firefighter who elects to make contributions
3 under subsection (c) of Section 4-118.1 for the pension
4 benefits provided under this Section becomes entitled to a
5 disability pension under Section 4-110, the last pension fund
6 is responsible to pay that disability pension and the amount
7 of that disability pension shall be based only on the
8 firefighter's service with the last pension fund.

9 (m) Notwithstanding any provision in Section 4-110.1 to
10 the contrary, if a firefighter who elects to make
11 contributions under subsection (c) of Section 4-118.1 for the
12 pension benefits provided under this Section becomes entitled
13 to an occupational disease disability pension under Section
14 4-110.1, each pension fund to which the firefighter has made
15 contributions under subsection (c) of Section 4-118.1 must pay
16 a portion of that occupational disease disability pension
17 equal to the proportion that the firefighter's service credit
18 with that pension fund for which the contributions under
19 subsection (c) of Section 4-118.1 have been made bears to the
20 firefighter's total service credit with all of the pension
21 funds for which the contributions under subsection (c) of
22 Section 4-118.1 have been made. A firefighter who has made
23 contributions under subsection (c) of Section 4-118.1 for at
24 least 5 years of creditable service shall be deemed to have met
25 the 5-year creditable service requirement under Section
26 4-110.1, regardless of whether the firefighter has 5 years of

1 creditable service with the last pension fund.

2 (n) If a firefighter who elects to make contributions
3 under subsection (c) of Section 4-118.1 for the pension
4 benefits provided under this Section becomes entitled to a
5 disability pension under Section 4-111, the last pension fund
6 is responsible to pay that disability pension, provided that
7 the firefighter has at least 7 years of creditable service
8 with the last pension fund. In the event a firefighter began
9 employment with a new employer as a result of an
10 intergovernmental agreement that resulted in the elimination
11 of the previous employer's fire department, the firefighter
12 shall not be required to have 7 years of creditable service
13 with the last pension fund to qualify for a disability pension
14 under Section 4-111. Under this circumstance, a firefighter
15 shall be required to have 7 years of total combined creditable
16 service time to qualify for a disability pension under Section
17 4-111. The disability pension received pursuant to this
18 Section shall be paid by the previous employer and new
19 employer in proportion to the firefighter's years of service
20 with each employer.

21 (Source: P.A. 102-81, eff. 7-9-21; 103-426, eff. 8-4-23.)

22 (40 ILCS 5/4-112) (from Ch. 108 1/2, par. 4-112)

23 Sec. 4-112. Determination of disability; restoration to
24 active service; disability cannot constitute cause for
25 discharge. A disability pension shall not be paid until

1 disability has been established by the board by examinations
2 of the firefighter at pension fund expense by 3 physicians
3 selected by the board and such other evidence as the board
4 deems necessary. The 3 physicians selected by the board need
5 not agree as to the existence of any disability or the nature
6 and extent of a disability. Medical examination of a
7 firefighter receiving a disability pension shall be made at
8 least once each year prior to attainment of age 50 or age 48
9 if he or she first became a firefighter at age 18) in order to
10 verify continuance of disability, except that a medical
11 examination of a firefighter receiving a disability pension
12 for post-traumatic stress disorder (PTSD) related to his or
13 her service as a firefighter shall not be made if: (1) the
14 firefighter has attained age 45; (2) the firefighter has
15 provided to the board documentation approving the
16 discontinuance of the medical examination from at least 2
17 physicians; and (3) at least 4 members of the board have voted
18 in the affirmative to allow the firefighter to discontinue the
19 medical examination. No examination shall be required after
20 age 50 or age 48 if he or she first became a firefighter at age
21 18. No physical or mental disability that constitutes, in
22 whole or in part, the basis of an application for benefits
23 under this Article may be used, in whole or in part, by any
24 municipality or fire protection district employing
25 firefighters, emergency medical technicians, or paramedics as
26 cause for discharge.

1 Upon satisfactory proof to the board that a firefighter on
2 the disability pension has recovered from disability, the
3 board shall terminate the disability pension. The firefighter
4 shall report to the marshal or chief of the fire department,
5 who shall thereupon order immediate reinstatement into active
6 service, and the municipality shall immediately return the
7 firefighter to its payroll, in the same rank or grade held at
8 the date he or she was placed on disability pension. If the
9 firefighter must file a civil action against the municipality
10 to enforce his or her mandated return to payroll under this
11 paragraph, then the firefighter is entitled to recovery of
12 reasonable court costs and attorney's fees.

13 The firefighter shall be entitled to 10 days notice before
14 any hearing or meeting of the board at which the question of
15 his or her disability is to be considered, and shall have the
16 right to be present at any such hearing or meeting, and to be
17 represented by counsel; however, the board shall not have any
18 obligation to provide such fireman with counsel.

19 (Source: P.A. 100-1097, eff. 8-26-18.)

20 (40 ILCS 5/4-113) (from Ch. 108 1/2, par. 4-113)

21 Sec. 4-113. Disability pension option. (a) A firefighter
22 who has not completed 20 years of creditable service and is
23 receiving a disability pension under this Article whose
24 disability continues for a period which when added to his or
25 her period of active service equals 20 years may, if age 50 or

1 over (or age 48 or over if he or she first became a firefighter
2 at age 18), elect to retire from the fire service by submitting
3 written application to the board. A firefighter exercising
4 such option shall be entitled to continue to receive a
5 retirement pension equal in amount to the disability pension
6 he or she was entitled to as a disabled firefighter on the date
7 he or she was removed from the municipality's payroll for
8 disability. A firefighter electing to exercise such option
9 shall be entitled to the automatic increase in pension
10 provided under subsection (a) of Section 4-109.1.

11 (b) A firefighter who is receiving a disability pension
12 under this Article who has sufficient creditable service to
13 qualify for a retirement pension and is age 50 or more (or age
14 48 or more if he or she first became a firefighter at age 18)
15 may elect to permanently retire from the fire service at any
16 time by submitting written application to the board. The
17 salary to be used in the determination of such firefighter's
18 pension shall be based on the salary attached to the rank held
19 by the firefighter in the fire service at the date of the
20 election to retire. All other conditions in the computation of
21 the pension shall be based upon the provisions of Section
22 4-109 which were applicable to the firefighter while he or she
23 was in active service as an employee. A firefighter electing
24 to exercise such option shall be entitled to the automatic
25 increase in pension provided under subsection (a) of Section
26 4-109.1.

1 (Source: P.A. 83-1440.)

2 (40 ILCS 5/4-114) (from Ch. 108 1/2, par. 4-114)

3 Sec. 4-114. Pension to survivors. If a firefighter who is
4 not receiving a disability pension under Section 4-110 or
5 4-110.1 dies (1) as a result of any illness or accident, or (2)
6 from any cause while in receipt of a disability pension under
7 this Article, or (3) during retirement after 20 years service,
8 or (4) while vested for or in receipt of a pension payable
9 under subsection (b) of Section 4-109, or (5) while a deferred
10 pensioner, having made all required contributions, a pension
11 shall be paid to his or her survivors, based on the monthly
12 salary attached to the firefighter's rank on the last day of
13 service in the fire department, as follows:

14 (a) (1) To the surviving spouse, a monthly pension of
15 40% of the monthly salary, and if there is a surviving
16 spouse, to the guardian of any minor child or children
17 including a child which has been conceived but not yet
18 born, 12% of such monthly salary for each such child until
19 attainment of age 18 or until the child's marriage,
20 whichever occurs first. Beginning July 1, 1993, the
21 monthly pension to the surviving spouse shall be 54% of
22 the monthly salary for all persons receiving a surviving
23 spouse pension under this Article, regardless of whether
24 the deceased firefighter was in service on or after the
25 effective date of this amendatory Act of 1993.

1 (2) Beginning July 1, 2004, unless the amount provided
2 under paragraph (1) of this subsection (a) is greater, the
3 total monthly pension payable under this paragraph (a),
4 including any amount payable on account of children, to
5 the surviving spouse of a firefighter who died (i) while
6 receiving a retirement pension, (ii) while he or she was a
7 deferred pensioner with at least 20 years of creditable
8 service, or (iii) while he or she was in active service
9 having at least 20 years of creditable service, regardless
10 of age, shall be no less than 100% of the monthly
11 retirement pension earned by the deceased firefighter at
12 the time of death, regardless of whether death occurs
13 before or after attainment of age 50 or age 48 if he or she
14 first became a firefighter at age 18, including any
15 increases under Section 4-109.1. This minimum applies to
16 all such surviving spouses who are eligible to receive a
17 surviving spouse pension, regardless of whether the
18 deceased firefighter was in service on or after the
19 effective date of this amendatory Act of the 93rd General
20 Assembly, and notwithstanding any limitation on maximum
21 pension under paragraph (d) or any other provision of this
22 Article.

23 (3) If the pension paid on and after July 1, 2004 to
24 the surviving spouse of a firefighter who died on or after
25 July 1, 2004 and before the effective date of this
26 amendatory Act of the 93rd General Assembly was less than

1 the minimum pension payable under paragraph (1) or (2) of
2 this subsection (a), the fund shall pay a lump sum equal to
3 the difference within 90 days after the effective date of
4 this amendatory Act of the 93rd General Assembly.

5 The pension to the surviving spouse shall terminate in
6 the event of the surviving spouse's remarriage prior to
7 July 1, 1993; remarriage on or after that date does not
8 affect the surviving spouse's pension, regardless of
9 whether the deceased firefighter was in service on or
10 after the effective date of this amendatory Act of 1993.

11 The surviving spouse's pension shall be subject to the
12 minimum established in Section 4-109.2.

13 (b) Upon the death of the surviving spouse leaving one
14 or more minor children, or upon the death of a firefighter
15 leaving one or more minor children but no surviving
16 spouse, to the duly appointed guardian of each such child,
17 for support and maintenance of each such child until the
18 child reaches age 18 or marries, whichever occurs first, a
19 monthly pension of 20% of the monthly salary.

20 In a case where the deceased firefighter left one or
21 more minor children but no surviving spouse and the
22 guardian of a child is receiving a pension of 12% of the
23 monthly salary on August 16, 2013 (the effective date of
24 Public Act 98-391), the pension is increased by Public Act
25 98-391 to 20% of the monthly salary for each such child,
26 beginning on the pension payment date occurring on or next

1 following August 16, 2013. The changes to this Section
2 made by Public Act 98-391 apply without regard to whether
3 the deceased firefighter was in service on or after August
4 16, 2013.

5 (c) If a deceased firefighter leaves no surviving
6 spouse or unmarried minor children under age 18, but
7 leaves a dependent father or mother, to each dependent
8 parent a monthly pension of 18% of the monthly salary. To
9 qualify for the pension, a dependent parent must furnish
10 satisfactory proof that the deceased firefighter was at
11 the time of his or her death the sole supporter of the
12 parent or that the parent was the deceased's dependent for
13 federal income tax purposes.

14 (d) The total pension provided under paragraphs (a),
15 (b) and (c) of this Section shall not exceed 75% of the
16 monthly salary of the deceased firefighter (1) when paid
17 to the survivor of a firefighter who has attained 20 or
18 more years of service credit and who receives or is
19 eligible to receive a retirement pension under this
20 Article, or (2) when paid to the survivor of a firefighter
21 who dies as a result of illness or accident, or (3) when
22 paid to the survivor of a firefighter who dies from any
23 cause while in receipt of a disability pension under this
24 Article, or (4) when paid to the survivor of a deferred
25 pensioner. For all other survivors of deceased
26 firefighters, the total pension provided under paragraphs

1 (a), (b) and (c) of this Section shall not exceed 50% of
2 the retirement annuity the firefighter would have received
3 on the date of death.

4 The maximum pension limitations in this paragraph (d)
5 do not control over any contrary provision of this Article
6 explicitly establishing a minimum amount of pension or
7 granting a one-time or annual increase in pension.

8 (e) If a firefighter leaves no eligible survivors
9 under paragraphs (a), (b) and (c), the board shall refund
10 to the firefighter's estate the amount of his or her
11 accumulated contributions, less the amount of pension
12 payments, if any, made to the firefighter while living.

13 (f) (Blank).

14 (g) If a judgment of dissolution of marriage between a
15 firefighter and spouse is judicially set aside subsequent
16 to the firefighter's death, the surviving spouse is
17 eligible for the pension provided in paragraph (a) only if
18 the judicial proceedings are filed within 2 years after
19 the date of the dissolution of marriage and within one
20 year after the firefighter's death and the board is made a
21 party to the proceedings. In such case the pension shall
22 be payable only from the date of the court's order setting
23 aside the judgment of dissolution of marriage.

24 (h) Benefits payable on account of a child under this
25 Section shall not be reduced or terminated by reason of
26 the child's attainment of age 18 if he or she is then

1 dependent by reason of a physical or mental disability but
2 shall continue to be paid as long as such dependency
3 continues. Individuals over the age of 18 and adjudged as
4 a disabled person pursuant to Article XIa of the Probate
5 Act of 1975, except for persons receiving benefits under
6 Article III of the Illinois Public Aid Code, shall be
7 eligible to receive benefits under this Act.

8 (i) Beginning January 1, 2000, the pension of the
9 surviving spouse of a firefighter who dies on or after
10 January 1, 1994 as a result of sickness, accident, or
11 injury incurred in or resulting from the performance of an
12 act of duty or from the cumulative effects of acts of duty
13 shall not be less than 100% of the salary attached to the
14 rank held by the deceased firefighter on the last day of
15 service, notwithstanding subsection (d) or any other
16 provision of this Article.

17 (j) Beginning July 1, 2004, the pension of the
18 surviving spouse of a firefighter who dies on or after
19 January 1, 1988 as a result of sickness, accident, or
20 injury incurred in or resulting from the performance of an
21 act of duty or from the cumulative effects of acts of duty
22 shall not be less than 100% of the salary attached to the
23 rank held by the deceased firefighter on the last day of
24 service, notwithstanding subsection (d) or any other
25 provision of this Article.

26 Notwithstanding any other provision of this Article, if a

1 person who first becomes a firefighter under this Article on
2 or after January 1, 2011 and who is not receiving a disability
3 pension under Section 4-110 or 4-110.1 dies (1) as a result of
4 any illness or accident, (2) from any cause while in receipt of
5 a disability pension under this Article, (3) during retirement
6 after 20 years service, (4) while vested for or in receipt of a
7 pension payable under subsection (b) of Section 4-109, or (5)
8 while a deferred pensioner, having made all required
9 contributions, then a pension shall be paid to his or her
10 survivors in an amount equal to the greater of (i) 54% of the
11 firefighter's monthly salary at the date of death, or (ii) 66
12 2/3% of the firefighter's earned pension at the date of death,
13 and, if there is a surviving spouse, 12% of such monthly salary
14 shall be granted to the guardian of any minor child or
15 children, including a child who has been conceived but not yet
16 born, for each such child until attainment of age 18. Upon the
17 death of the surviving spouse leaving one or more minor
18 children, or upon the death of a firefighter leaving one or
19 more minor children but no surviving spouse, a monthly pension
20 of 20% of the monthly salary shall be granted to the duly
21 appointed guardian of each such child for the support and
22 maintenance of each such child until the child reaches age 18.
23 The total pension provided under this paragraph shall not
24 exceed 75% of the monthly salary of the deceased firefighter
25 (1) when paid to the survivor of a firefighter who has attained
26 20 or more years of service credit and who receives or is

1 eligible to receive a retirement pension under this Article,
2 (2) when paid to the survivor of a firefighter who dies as a
3 result of illness or accident, (3) when paid to the survivor of
4 a firefighter who dies from any cause while in receipt of a
5 disability pension under this Article, or (4) when paid to the
6 survivor of a deferred pensioner. Nothing in this Section
7 shall act to diminish the survivor's benefits described in
8 subsection (j) of this Section.

9 Notwithstanding Section 1-103.1, the changes made to this
10 subsection apply without regard to whether the deceased
11 firefighter was in service on or after the effective date of
12 this amendatory Act of the 101st General Assembly.

13 Notwithstanding any other provision of this Article, the
14 monthly pension of a survivor of a person who first becomes a
15 firefighter under this Article on or after January 1, 2011
16 shall be increased on the January 1 after attainment of age 60
17 by the recipient of the survivor's pension and each January 1
18 thereafter by 3% or one-half the annual unadjusted percentage
19 increase in the consumer price index-u for the 12 months
20 ending with the September preceding each November 1, whichever
21 is less, of the originally granted survivor's pension. If the
22 annual unadjusted percentage change in the consumer price
23 index-u for a 12-month period ending in September is zero or,
24 when compared with the preceding period, decreases, then the
25 survivor's pension shall not be increased.

26 For the purposes of this Section, "consumer price index-u"

1 means the index published by the Bureau of Labor Statistics of
2 the United States Department of Labor that measures the
3 average change in prices of goods and services purchased by
4 all urban consumers, United States city average, all items,
5 1982-84 = 100. The new amount resulting from each annual
6 adjustment shall be determined by the Public Pension Division
7 of the Department of Insurance and made available to the
8 boards of the pension funds.

9 (Source: P.A. 101-610, eff. 1-1-20.)

10 Section 10. The Illinois Municipal Code is amended by
11 changing Sections 10-1-7.1 and 10-2.1-6.3 as follows:

12 (65 ILCS 5/10-1-7.1)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 application process.

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

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

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

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

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

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

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

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

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

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

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

1 examination may be given as the commission shall prescribe.

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

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

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

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

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

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

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

26 The tests utilized to measure each applicant's

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

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

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

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

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

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

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

26 Commissions may conduct additional examinations, including

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

9 (h) Preferences. The following are preferences:

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

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

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

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

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

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

23 Upon request by the commission, the governing body of
24 the municipality or in the case of applicants from outside
25 the municipality the governing body of any fire protection
26 district or any other municipality shall certify to the

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

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

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

22 (7.5) Apprentice preferences. A person who has
23 performed fire suppression service for a department as a
24 firefighter apprentice and otherwise meets the
25 qualifications for original appointment as a firefighter
26 specified in this Section may be awarded up to 20

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

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

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

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

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

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

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

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

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

25 Whenever a commission is authorized or required by law to
26 consider some aspect of criminal history record information

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

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

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

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

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

1 102-538, eff. 8-20-21; 102-558, eff. 8-20-21; 102-813, eff.
2 5-13-22.)

3 (65 ILCS 5/10-2.1-6.3)

4 Sec. 10-2.1-6.3. Original appointments; full-time fire
5 department.

6 (a) Applicability. Unless a commission elects to follow
7 the provisions of Section 10-2.1-6.4, this Section shall apply
8 to all original appointments to an affected full-time fire
9 department. Existing registers of eligibles shall continue to
10 be valid until their expiration dates, or up to a maximum of 2
11 years after August 4, 2011 (the effective date of Public Act
12 97-251).

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

23 A home rule or non-home rule municipality may not
24 administer its fire department process for original
25 appointments in a manner that is less stringent than this

1 Section. This Section is a limitation under subsection (i) of
2 Section 6 of Article VII of the Illinois Constitution on the
3 concurrent exercise by home rule units of the powers and
4 functions exercised by the State.

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

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

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

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

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

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

20 The sole authority to issue certificates of appointment
21 shall be vested in the board of fire and police commissioners.
22 All certificates of appointment issued to any officer or
23 member of an affected department shall be signed by the
24 chairperson and secretary, respectively, of the board upon
25 appointment of such officer or member to the affected
26 department by action of the board. After being selected from

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

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

25 (c) Qualification for placement on register of eligibles.
26 The purpose of establishing a register of eligibles is to

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

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

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

7 (1) any person previously employed as a full-time
8 firefighter in a regularly constituted fire department of

9 (i) any municipality or fire protection district located
10 in Illinois, (ii) a fire protection district whose
11 obligations were assumed by a municipality under Section
12 21 of the Fire Protection District Act, or (iii) a
13 municipality whose obligations were taken over by a fire
14 protection district,

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

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

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

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 Section 15. The Fire Protection District Act is amended by
2 changing Section 16.06b as follows:

3 (70 ILCS 705/16.06b)

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

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

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

24 A fire protection district that is operating under a court
25 order or consent decree regarding original appointments to a

1 full-time fire department before August 4, 2011 (the effective
2 date of Public Act 97-251) is exempt from the requirements of
3 this Section for the duration of the court order or consent
4 decree.

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

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

1 highest ranked persons on the list of eligibles if the number
2 of people who have a ranking in the top 5% of the register of
3 eligibles is less than 5 people.

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

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

1 the chairperson of the board of fire commissioners, or board
2 of trustees serving in the capacity of a board of fire
3 commissioners. Each person who accepts a certificate of
4 appointment and successfully completes his or her probationary
5 period shall be enrolled as a firefighter and as a regular
6 member of the fire department.

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

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

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

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

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

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

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

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

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

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

24 No district shall require that any firefighter appointed
25 to the lowest rank serve a probationary employment period of
26 longer than one year of actual active employment, which may

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

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

1 removed from the register.

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

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

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

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

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

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

1 local appointing authority.

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

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

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

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

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

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

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

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

24 The commission shall prepare and keep a register of
25 persons whose total score is not less than the minimum score
26 for passage and who have passed the physical ability

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

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

20 (h) Preferences. The following are preferences:

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

1 employment with the fire department of an affected
2 department.

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

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

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

20 (5) Experience preference. All persons employed by a
21 district who have been paid-on-call or part-time certified
22 Firefighter II, certified Firefighter III, State of
23 Illinois or nationally licensed EMT, EMT-I, A-EMT, or
24 paramedic, or any combination of those capacities may be
25 awarded up to a maximum of 5 points. However, the
26 applicant may not be awarded more than 0.5 points for each

1 complete year of paid-on-call or part-time service.
2 Applicants from outside the district who were employed as
3 full-time firefighters or firefighter-paramedics by a fire
4 protection district or municipality for at least 2 years
5 may be awarded up to 5 experience preference points.
6 However, the applicant may not be awarded more than one
7 point for each complete year of full-time service.

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

25 (6) Residency preference. Applicants whose principal
26 residence is located within the fire department's

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

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

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

1 the final grades achieved by the applicant on the other
2 components of the examination.

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

1 Section, but the total number of preference points, except
2 item (7.5), shall not be less than 10 points or more than
3 30 points. Apprentice preference points may be added in
4 addition to other preference points awarded by the
5 commission.

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

1 examination, and medical and psychological examinations, all
2 on a pass-fail basis. The medical and psychological
3 examinations must be conducted last, and may only be performed
4 after a conditional offer of employment has been extended.

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

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

15 (i) Moral character. No person shall be appointed to a
16 fire department unless he or she is a person of good character;
17 not a habitual drunkard, a gambler, or a person who has been
18 convicted of a felony or a crime involving moral turpitude.
19 However, no person shall be disqualified from appointment to
20 the fire department because of the person's record of
21 misdemeanor convictions except those under Sections 11-6,
22 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,
23 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,
24 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and paragraphs
25 (1), (6), and (8) of subsection (a) of Section 24-1 of the
26 Criminal Code of 1961 or the Criminal Code of 2012, or arrest

1 for any cause without conviction thereon. Any such person who
2 is in the department may be removed on charges brought for
3 violating this subsection and after a trial as hereinafter
4 provided.

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

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

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

1 (k) A person who knowingly divulges or receives test
2 questions or answers before a written examination, or
3 otherwise knowingly violates or subverts any requirement of
4 this Section, commits a violation of this Section and may be
5 subject to charges for official misconduct.

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

11 (Source: P.A. 101-489, eff. 8-23-19; 102-375, eff. 8-13-21;
12 102-538, eff. 8-20-21; 102-558, eff. 8-20-21; 102-813, eff.
13 5-13-22.)

14 Section 90. The State Mandates Act is amended by adding
15 Section 8.49 as follows:

16 (30 ILCS 805/8.49 new)

17 Sec. 8.49. Exempt mandate. Notwithstanding Sections 6 and
18 8 of this Act, no reimbursement by the State is required for
19 the implementation of any mandate created by this amendatory
20 Act of the 104th General Assembly."