

1 AN ACT concerning local government.

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

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

6 (65 ILCS 5/10-1-7.1)

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

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

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

1 Section, but in the event of a conflict between this Section
2 and any other law, this Section shall control.

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

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

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

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

26 Whenever an appointing authority authorizes action to hire

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

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

26 The sole authority to issue certificates of appointment

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

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

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

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

25 Residency requirements in effect at the time an individual
26 enters the fire service of a municipality cannot be made more

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

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

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

21 (2) any person who has served a municipality as a
22 regularly enrolled volunteer, paid-on-call, or part-time
23 firefighter ~~for the 5 years immediately preceding the time~~
24 ~~that the municipality begins to use full-time firefighters~~
25 ~~to provide all or part of its fire protection service, or~~

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

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

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

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

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

24 In the event that any applicant who has been found
25 eligible for appointment and whose name has been placed upon
26 the final eligibility register provided for in this Division 1

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

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

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

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

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

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

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

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

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

25 The tests utilized to measure each applicant's
26 capabilities in each of these dimensions may be tests based on

1 industry standards currently in use or equivalent tests
2 approved by the Joint Labor-Management Committee of the Office
3 of the State Fire Marshal.

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

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

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

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

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

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

25 Commissions may conduct additional examinations, including
26 without limitation a polygraph test, after a final eligibility

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

8 (h) Preferences. The following are preferences:

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

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

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

1 bachelor's degree from an accredited college or university
2 may be preferred for appointment to and employment with
3 the fire department.

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

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

22 Upon request by the commission, the governing body of
23 the municipality or in the case of applicants from outside
24 the municipality the governing body of any fire protection
25 district or any other municipality shall certify to the
26 commission, within 10 days after the request, the number

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

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

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

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

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

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

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

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

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

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

26 The commission shall strike off the names of candidates

1 for original appointment after the names have been on the list
2 for more than 2 years.

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

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

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

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

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

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

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

24 (Source: P.A. 100-252, eff. 8-22-17; 101-489, eff. 8-23-19;
25 revised 11-26-19.)

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

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

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

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

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

1 functions exercised by the State.

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

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

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

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

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

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

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

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

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

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

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

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

26 No person who is 35 years of age or older shall be eligible

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

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

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

14 (2) any person who has served a municipality as a
15 regularly enrolled volunteer, paid-on-call, or part-time
16 firefighter ~~for the 5 years immediately preceding the time~~
17 ~~that the municipality begins to use full time firefighters~~
18 ~~to provide all or part of its fire protection service, or~~

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

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

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

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

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

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

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

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

1 determined by the commission. Scores from the examination must
2 be made available to the public.

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

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

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

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

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

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

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

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

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

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

1 the commission. The local appointing authority may prescribe
2 the score to qualify for placement on the final eligibility
3 register, but the score shall not be less than the minimum
4 score set by the commission.

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

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

1 (h) Preferences. The following are preferences:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 for more than 2 years.

2 (i) Moral character. No person shall be appointed to a
3 fire department unless he or she is a person of good character;
4 not a habitual drunkard, a gambler, or a person who has been
5 convicted of a felony or a crime involving moral turpitude.
6 However, no person shall be disqualified from appointment to
7 the fire department because of the person's record of
8 misdemeanor convictions except those under Sections 11-6,
9 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,
10 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,
11 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and
12 subsections 1, 6, and 8 of Section 24-1 of the Criminal Code of
13 1961 or the Criminal Code of 2012, or arrest for any cause
14 without conviction thereon. Any such person who is in the
15 department may be removed on charges brought for violating
16 this subsection and after a trial as hereinafter 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 Department of State Police and to
21 the Federal 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 State Police Law of the Civil Administrative Code of Illinois,
2 the Department of 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. 100-252, eff. 8-22-17; 101-489, eff. 8-23-19;
24 revised 11-26-19.)

25 Section 10. The Fire Protection District Act is amended by

1 changing Section 16.06b as follows:

2 (70 ILCS 705/16.06b)

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

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

12 Notwithstanding any statute, ordinance, rule, or other law
13 to the contrary, all original appointments to an affected
14 department to which this Section applies shall be administered
15 in a no less stringent manner than the manner provided for in
16 this Section. Provisions of the Illinois Municipal Code, Fire
17 Protection District Act, fire district 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 fire protection district that is operating under a court
24 order or consent decree regarding original appointments to a
25 full-time fire department before August 4, 2011 (the effective

1 date of Public Act 97-251 ~~this amendatory Act of the 97th~~
2 ~~General Assembly~~ is exempt from the requirements of this
3 Section for the duration of the court order or consent decree.

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

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

1 of people who have a ranking in the top 5% of the register of
2 eligibles is less than 5 people.

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

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

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

6 For the purposes of this Section, "firefighter" means any
7 person who has been prior to, on, or after August 4, 2011 (the
8 effective date of Public Act 97-251) ~~this amendatory Act of~~
9 ~~the 97th General Assembly~~ appointed to a fire department or
10 fire protection district or employed by a State university and
11 sworn or commissioned to perform firefighter duties or
12 paramedic duties, or both, except that the following persons
13 are not included: part-time firefighters; auxiliary, reserve,
14 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 ~~prerequisites~~ for
10 participation in an examination or for hire as a firefighter.
11 Any fire protection district may charge a fee to cover the
12 costs of the application 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 ~~for the 5 years immediately preceding the time~~
12 ~~that the district begins to use full-time firefighters to~~
13 ~~provide all or part of its fire protection service; or~~

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

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

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

26 No district shall require that any firefighter appointed

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

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

1 standard fixed by the rules of the commission, the applicant
2 shall not be appointed, and the name of the applicant shall be
3 removed from the register.

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

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

24 (e) Mental aptitude. No person who does not possess at
25 least a high school diploma or an equivalent high school
26 education shall be placed on a register of eligibles.

1 Examination of an applicant's mental aptitude shall be based
2 upon a written examination. The examination shall be practical
3 in character and relate to those matters that fairly test the
4 capacity of the persons examined to discharge the duties
5 performed by members of a fire department. Written
6 examinations shall be administered in a manner that ensures
7 the security and accuracy of the scores achieved.

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

22 (1) Muscular strength to perform tasks and evolutions
23 that may be required in the performance of duties
24 including grip strength, leg strength, and arm strength.
25 Tests shall be conducted under anaerobic as well as
26 aerobic conditions to test both the candidate's speed and

1 endurance in performing tasks and evolutions. Tasks tested
2 may be based on standards developed, or approved, by the
3 local appointing authority.

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

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

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

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

22 (g) Scoring of examination components. Appointing
23 authorities may create a preliminary eligibility register. A
24 person shall be placed on the list based upon his or her
25 passage of the written examination or the passage of the
26 written examination and the physical ability component.

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

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

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

26 The commission shall prepare and keep a register of

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

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

22 (h) Preferences. The following are preferences:

23 (1) Veteran preference. Persons who were engaged in
24 the military service of the United States for a period of
25 at least one year of active duty and who were honorably
26 discharged therefrom, or who are now or have been members

1 on inactive or reserve duty in such military or naval
2 service, shall be preferred for appointment to and
3 employment with the fire department of an affected
4 department.

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

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

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

22 (5) Experience preference. All persons employed by a
23 district who have been paid-on-call or part-time certified
24 Firefighter II, certified Firefighter III, State of
25 Illinois or nationally licensed EMT, EMT-I, A-EMT, or
26 paramedic, or any combination of those capacities may be

1 awarded up to a maximum of 5 points. However, the
2 applicant may not be awarded more than 0.5 points for each
3 complete year of paid-on-call or part-time service.
4 Applicants from outside the district who were employed as
5 full-time firefighters or firefighter-paramedics by a fire
6 protection district or municipality for at least 2 years
7 may be awarded up to 5 experience preference points.
8 However, the applicant may not be awarded more than one
9 point for each complete year of full-time service.

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

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

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

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

1 the amount of points awarded to the commissioners. The
2 commissioners may add the certified preference points to
3 the final grades achieved by the applicant on the other
4 components of the examination.

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

1 list. The local appointing authority may prescribe the
2 total number of preference points awarded under this
3 Section, but the total number of preference points, except
4 item (7.5), shall not be less than 10 points or more than
5 30 points. Apprentice preference points may be added in
6 addition to other preference points awarded by the
7 commission.

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

1 background review including, but not limited to, criminal
2 history, employment history, moral character, oral
3 examination, and medical and psychological examinations, all
4 on a pass-fail basis. The medical and psychological
5 examinations must be conducted last, and may only be performed
6 after a conditional offer of employment has been extended.

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

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

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

1 subsections 1, 6, and 8 of Section 24-1 of the Criminal Code of
2 1961 or the Criminal Code of 2012, or arrest for any cause
3 without conviction thereon. Any such person who is in the
4 department may be removed on charges brought for violating
5 this subsection and after a trial as hereinafter provided.

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

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

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

1 any calendar year.

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

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

12 (Source: P.A. 100-252, eff. 8-22-17; 101-489, eff. 8-23-19;
13 revised 11-26-19.)

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.