



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB1500

Introduced 02/10/05, by Rep. Donald L. Moffitt

SYNOPSIS AS INTRODUCED:

65 ILCS 5/10-2.1-4

from Ch. 24, par. 10-2.1-4

Amends the Illinois Municipal Code. Provides that in a municipality having a population less than 1,000,000, a firefighter who is required to be a paramedic as a condition of employment may be placed on an additional 18-month probationary period. Provides that during the additional period, the firefighter may be discharged without a hearing solely for failure to pass the paramedic examination. Makes other changes. Effective immediately.

LRB094 07108 AJO 37253 b

1 AN ACT concerning local government.

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

4 Section 5. The Illinois Municipal Code is amended by
5 changing Section 10-2.1-4 as follows:

6 (65 ILCS 5/10-2.1-4) (from Ch. 24, par. 10-2.1-4)

7 Sec. 10-2.1-4. Fire and police departments; Appointment of
8 members; Certificates of appointments.

9 The board of fire and police commissioners shall appoint
10 all officers and members of the fire and police departments of
11 the municipality, including the chief of police and the chief
12 of the fire department, unless the council or board of trustees
13 shall by ordinance as to them otherwise provide; except as
14 otherwise provided in this Section, and except that in any
15 municipality which adopts or has adopted this Division 2.1 and
16 also adopts or has adopted Article 5 of this Code, the chief of
17 police and the chief of the fire department shall be appointed
18 by the municipal manager, if it is provided by ordinance in
19 such municipality that such chiefs, or either of them, shall
20 not be appointed by the board of fire and police commissioners.

21 If the chief of the fire department or the chief of the
22 police department or both of them are appointed in the manner
23 provided by ordinance, they may be removed or discharged by the
24 appointing authority. In such case the appointing authority
25 shall file with the corporate authorities the reasons for such
26 removal or discharge, which removal or discharge shall not
27 become effective unless confirmed by a majority vote of the
28 corporate authorities.

29 If a member of the department is appointed chief of police
30 or chief of the fire department prior to being eligible to
31 retire on pension, he shall be considered as on furlough from
32 the rank he held immediately prior to his appointment as chief.

1 If he resigns as chief or is discharged as chief prior to
2 attaining eligibility to retire on pension, he shall revert to
3 and be established in whatever rank he currently holds, except
4 for previously appointed positions, and thereafter be entitled
5 to all the benefits and emoluments of that rank, without regard
6 as to whether a vacancy then exists in that rank.

7 All appointments to each department other than that of the
8 lowest rank, however, shall be from the rank next below that to
9 which the appointment is made except as otherwise provided in
10 this Section, and except that the chief of police and the chief
11 of the fire department may be appointed from among members of
12 the police and fire departments, respectively, regardless of
13 rank, unless the council or board of trustees shall have by
14 ordinance as to them otherwise provided. A chief of police or
15 the chief of the fire department, having been appointed from
16 among members of the police or fire department, respectively,
17 shall be permitted, regardless of rank, to take promotional
18 exams and be promoted to a higher classified rank than he
19 currently holds, without having to resign as chief of police or
20 chief of the fire department.

21 The sole authority to issue certificates of appointment
22 shall be vested in the Board of Fire and Police Commissioners
23 and all certificates of appointments issued to any officer or
24 member of the fire or police department of a municipality shall
25 be signed by the chairman and secretary respectively of the
26 board of fire and police commissioners of such municipality,
27 upon appointment of such officer or member of the fire and
28 police department of such municipality by action of the board
29 of fire and police commissioners.

30 The term "policemen" as used in this Division does not
31 include auxiliary policemen except as provided for in Section
32 10-2.1-6.

33 Any full time member of a regular fire or police department
34 of any municipality which comes under the provisions of this
35 Division or adopts this Division 2.1 or which has adopted any
36 of the prior Acts pertaining to fire and police commissioners,

1 is a city officer.

2 Notwithstanding any other provision of this Section, the
3 Chief of Police of a department in a non-homerule municipality
4 of more than 130,000 inhabitants may, without the advice or
5 consent of the Board of Fire and Police Commissioners, appoint
6 up to 6 officers who shall be known as deputy chiefs or
7 assistant deputy chiefs, and whose rank shall be immediately
8 below that of Chief. The deputy or assistant deputy chiefs may
9 be appointed from any rank of sworn officers of that
10 municipality, but no person who is not such a sworn officer may
11 be so appointed. Such deputy chief or assistant deputy chief
12 shall have the authority to direct and issue orders to all
13 employees of the Department holding the rank of captain or any
14 lower rank. A deputy chief of police or assistant deputy chief
15 of police, having been appointed from any rank of sworn
16 officers of that municipality, shall be permitted, regardless
17 of rank, to take promotional exams and be promoted to a higher
18 classified rank than he currently holds, without having to
19 resign as deputy chief of police or assistant deputy chief of
20 police.

21 Notwithstanding any other provision of this Section, a
22 non-homerule municipality of 130,000 or fewer inhabitants,
23 through its council or board of trustees, may, by ordinance,
24 provide for a position of deputy chief to be appointed by the
25 chief of the police department. The ordinance shall provide for
26 no more than one deputy chief position if the police department
27 has fewer than 25 full-time police officers and for no more
28 than 2 deputy chief positions if the police department has 25
29 or more full-time police officers. The deputy chief position
30 shall be an exempt rank immediately below that of Chief. The
31 deputy chief may be appointed from any rank of sworn, full-time
32 officers of the municipality's police department, but must have
33 at least 5 years of full-time service as a police officer in
34 that department. A deputy chief shall serve at the discretion
35 of the Chief and, if removed from the position, shall revert to
36 the rank currently held, without regard as to whether a vacancy

1 exists in that rank. A deputy chief of police, having been
2 appointed from any rank of sworn full-time officers of that
3 municipality's police department, shall be permitted,
4 regardless of rank, to take promotional exams and be promoted
5 to a higher classified rank than he currently holds, without
6 having to resign as deputy chief of police.

7 No municipality having a population less than 1,000,000
8 shall require that any firefighter ~~fireman~~ appointed to the
9 lowest rank serve a probationary employment period of longer
10 than one year. The limitation on periods of probationary
11 employment provided in this amendatory Act of 1989 is an
12 exclusive power and function of the State. Pursuant to
13 subsection (h) of Section 6 of Article VII of the Illinois
14 Constitution, a home rule municipality having a population less
15 than 1,000,000 must comply with this limitation on periods of
16 probationary employment, which is a denial and limitation of
17 home rule powers. Notwithstanding anything to the contrary in
18 this Section, the probationary employment period limitation
19 may be extended for an additional 18 months for a firefighter
20 who is required as a condition of employment to be a certified
21 paramedic, during which time the firefighter may be discharged
22 without a hearing for the sole reason of failing an examination
23 required for paramedic certification ~~shall not apply to a~~
24 ~~fireman whose position also includes paramedic~~
25 ~~responsibilities.~~

26 (Source: P.A. 93-486, eff. 8-8-03.)

27 Section 99. Effective date. This Act takes effect upon
28 becoming law.