

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 Fire Department Promotion Act is amended by
5 changing Section 10 as follows:

6 (50 ILCS 742/10)

7 Sec. 10. Applicability.

8 (a) This Act shall apply to all positions in an affected
9 department, except those specifically excluded in items (i),
10 (ii), (iii), (iv), and (v) of the definition of "promotion" in
11 Section 5 unless such positions are covered by a collective
12 bargaining agreement in force on the effective date of this
13 Act. Existing promotion lists shall continue to be valid until
14 their expiration dates, or up to a maximum of 3 years after the
15 effective date of this Act.

16 (b) Notwithstanding any statute, ordinance, rule, or other
17 laws to the contrary, all promotions in an affected department
18 to which this Act applies shall be administered in the manner
19 provided for in this Act. Provisions of the Illinois Municipal
20 Code, the Fire Protection District Act, municipal ordinances,
21 or rules adopted pursuant to such authority and other laws
22 relating to promotions in affected departments shall continue
23 to apply to the extent they are compatible with this Act, but
24 in the event of conflict between this Act and any other law,
25 this Act shall control.

26 (c) A home rule or non-home rule municipality may not
27 administer its fire department promotion process in a manner
28 that is inconsistent with this Act. This Section is a
29 limitation under subsection (i) of Section 6 of Article VII of
30 the Illinois Constitution on the concurrent exercise by home
31 rule units of the powers and functions exercised by the State.

32 (d) This Act is intended to serve as a minimum standard and

1 shall be construed to authorize and not to limit:

2 (1) An appointing authority from establishing
3 different or supplemental promotional criteria or
4 components, provided that the criteria are job-related and
5 applied uniformly.

6 (2) The right of negotiation by an employer and an
7 exclusive bargaining representative to require an employer
8 to negotiate ~~of~~ clauses within a collective bargaining
9 agreement relating to conditions, criteria, or procedures
10 for the promotion of employees to ranks, as defined in
11 Section 5, covered by this Act ~~who are members of~~
12 ~~bargaining units.~~

13 (3) The negotiation by an employer and an exclusive
14 bargaining representative of provisions within a
15 collective bargaining agreement to achieve affirmative
16 action objectives, provided that such clauses are
17 consistent with applicable law.

18 (e) Local authorities and exclusive bargaining agents
19 affected by this Act may agree to waive one or more of its
20 provisions and bargain on the contents of those provisions,
21 provided that any such waivers shall be considered permissive
22 subjects of bargaining.

23 (Source: P.A. 93-411, eff. 8-4-03.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.