



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**SB2382**

Introduced 1/18/2006, by Sen. Terry Link

**SYNOPSIS AS INTRODUCED:**

50 ILCS 742/10

Amends the Fire Department Promotion Act. Provides that the Act authorizes and does not limit the right of an exclusive bargaining representative to "require" an employer to negotiate concerning promotion to certain ranks (now, does not allow representative to "require"). Effective immediately.

LRB094 17354 HLH 52649 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 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.