

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 Sections 20 and 50 as follows:

6 (50 ILCS 742/20)

7 Sec. 20. Promotion lists.

8 (a) For the purpose of granting a promotion to any rank to
9 which this Act applies, the appointing authority shall from
10 time to time, as necessary, prepare a preliminary promotion
11 list in accordance with this Act. The preliminary promotion
12 list shall be distributed, posted, or otherwise made
13 conveniently available by the appointing authority to all
14 members of the department.

15 (b) A person's position on the preliminary promotion list
16 shall be determined by a combination of factors which may
17 include any of the following: (i) the person's score on the
18 written examination for that rank, determined in accordance
19 with Section 35; (ii) the person's seniority within the
20 department, determined in accordance with Section 40; (iii) the
21 person's ascertained merit, determined in accordance with
22 Section 45; and (iv) the person's score on the subjective
23 evaluation, determined in accordance with Section 50.

1 Candidates shall be ranked on the list in rank order based on
2 the highest to the lowest total points scored on all of the
3 components of the test. Promotional components, as defined
4 herein, shall be determined and administered in accordance with
5 the referenced Section, unless otherwise modified or agreed to
6 as provided by paragraph (1) or (2) of subsection (d) ~~(e)~~ of
7 Section 10. The use of physical criteria, including but not
8 limited to fitness testing, agility testing, and medical
9 evaluations, is specifically barred from the promotion
10 process.

11 (c) A person on the preliminary promotion list who is
12 eligible for a veteran's preference under the laws and
13 agreements applicable to the department may file a written
14 application for that preference within 10 days after the
15 initial posting of the preliminary promotion list. The
16 preference shall be calculated as provided under Section 55 and
17 added to the total score achieved by the candidate on the test.
18 The appointing authority shall then make adjustments to the
19 rank order of the preliminary promotion list based on any
20 veteran's preferences awarded. The final adjusted promotion
21 list shall then be distributed, posted, or otherwise made
22 conveniently available by the appointing authority to all
23 members of the department.

24 (d) Whenever a promotional rank is created or becomes
25 vacant due to resignation, discharge, promotion, death, or the
26 granting of a disability or retirement pension, or any other

1 cause, the appointing authority shall appoint to that position
2 the person with the highest ranking on the final promotion list
3 for that rank, except that the appointing authority shall have
4 the right to pass over that person and appoint the next highest
5 ranked person on the list if the appointing authority has
6 reason to conclude that the highest ranking person has
7 demonstrated substantial shortcomings in work performance or
8 has engaged in misconduct affecting the person's ability to
9 perform the duties of the promoted rank since the posting of
10 the promotion list. If the highest ranking person is passed
11 over, the appointing authority shall document its reasons for
12 its decision to select the next highest ranking person on the
13 list. Unless the reasons for passing over the highest ranking
14 person are not remediable ~~remedial~~, no person who is the
15 highest ranking person on the list at the time of the vacancy
16 shall be passed over more than once. Any dispute as to the
17 selection of the first or second highest-ranking person shall
18 be subject to resolution in accordance with any grievance
19 procedure in effect covering the employee.

20 A vacancy shall be deemed to occur in a position on the
21 date upon which the position is vacated, and on that same date,
22 a vacancy shall occur in all ranks inferior to that rank,
23 provided that the position or positions continue to be funded
24 and authorized by the corporate authorities. If a vacated
25 position is not filled due to a lack of funding or
26 authorization and is subsequently reinstated, the final

1 promotion list shall be continued in effect until all positions
2 vacated have been filled or for a period up to 5 years
3 beginning from the date on which the position was vacated. In
4 such event, the candidate or candidates who would have
5 otherwise been promoted when the vacancy originally occurred
6 shall be promoted.

7 Any candidate may refuse a promotion once without losing
8 his or her position on the final adjusted promotion list. Any
9 candidate who refuses promotion a second time shall be removed
10 from the final adjusted promotion list, provided that such
11 action shall not prejudice a person's opportunities to
12 participate in future promotion examinations.

13 (e) A final adjusted promotion list shall remain valid and
14 unaltered for a period of not less than 2 nor more than 3 years
15 after the date of the initial posting. Integrated lists are
16 prohibited and when a list expires it shall be void, except as
17 provided in subsection (d) of this Section. If a promotion list
18 is not in effect, a successor list shall be prepared and
19 distributed within 180 days after a vacancy, as defined in
20 subsection (d) of this Section.

21 (f) This Section 20 does not apply to the initial hiring
22 list.

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

24 (50 ILCS 742/50)

25 Sec. 50. Subjective evaluation.

1 (a) A promotion test may include subjective evaluation
2 components. Subjective evaluations may include an oral
3 interview, tactical evaluation, performance evaluation, or
4 other component based on subjective evaluation of the examinee.
5 The methods used for subjective evaluations may include using
6 any employee assessment centers, evaluation systems, chief's
7 points, or other methods.

8 (b) Any subjective component shall be identified to all
9 candidates prior to its application, be job-related, and be
10 applied uniformly to all candidates. Every examinee shall have
11 the right to documentation of his or her score on the
12 subjective component upon the completion of the subjective
13 examination component or its application. A designated
14 representative of the contracting union party shall be notified
15 and be entitled to be present to monitor any preliminary
16 meeting between certified assessors or representatives of a
17 testing agency and representatives of the appointing authority
18 held prior to the administration of the test to candidates for
19 promotion.

20 (c) Where chief's points or other subjective methods are
21 employed that are not amenable to monitoring, monitors shall
22 not be required, but any disputes as to the results of such
23 methods shall be subject to resolution in accordance with any
24 collectively bargained grievance procedure in effect at the
25 time of the test.

26 (d) Where performance evaluations are used as a basis for

1 promotions, they shall be given annually and made readily
2 available to each candidate for review and they shall include
3 any disagreement or documentation the employee provides to
4 refute or contest the evaluation. These annual evaluations are
5 not subject to grievance procedures, unless used for points in
6 the promotion process.

7 (e) Total points awarded for subjective components shall be
8 posted before the written examination is administered and
9 before the promotion list is compiled.

10 (f) Persons selected to grade candidates for promotion
11 during an assessment center process shall be impartial
12 professionals who have undergone training to be certified
13 assessors. The training and certification requirements shall,
14 at a minimum, provide that, to obtain and maintain
15 certification, assessors shall complete a course of basic
16 training, subscribe to a code of ethical conduct, complete
17 continuing education, and satisfy minimum activity levels.

18 (g) The standards for certification shall be established by
19 a Joint Labor and Management Committee (JLMC) composed of 4
20 members: 2 designated by a statewide association whose
21 membership is predominantly fire chiefs representing
22 management interests of the Illinois fire service, and 2
23 designated by a statewide labor organization that is a
24 representative of sworn or commissioned firefighters in
25 Illinois. Members may serve terms of one year subject to
26 reappointment.

1 For the purposes of this Section, the term "statewide labor
2 organization" has the meaning ascribed to it in Section 10-3-12
3 of the Illinois Municipal Code.

4 In developing certification standards the JLMC may seek the
5 advice and counsel of professionals and experts and may appoint
6 an advisory committee.

7 The JLMC's initial certification standards shall be
8 submitted to the Office of the State Fire Marshal by January 1,
9 2009. The JLMC may provisionally certify persons who have prior
10 experience as assessors on promotional examinations in the fire
11 service. Effective January 1, 2010 only those persons who meet
12 the certification standards developed by the JLMC and submitted
13 to the Office of the State Fire Marshal may be selected to
14 grade candidates on a subjective component of a promotional
15 examination conducted under the authority of this Act; provided
16 this requirement shall be waived for persons employed or
17 appointed by the jurisdiction administering the examination.

18 The JLMC shall annually:

19 (1) issue public notice offering persons who are
20 interested in qualifying as certified assessors the
21 opportunity to enroll in training; and

22 (2) submit to the Office of the State Fire Marshal an
23 amended list of persons who remain certified, are newly
24 certified, or who are no longer certified.

25 (h) The Office of the State Fire Marshal shall support the
26 program by adopting certification standards based on those

1 submitted by the JLMC and by establishing a roster of certified
2 assessors composed of persons certified by the JLMC.

3 If the parties have not agreed to contract with a
4 particular testing company to provide certified assessors,
5 either party may request the Office to provide the names of
6 certified assessors. Within 7 days after receiving a request
7 from either party for a list of certified assessors, the Office
8 shall select at random from the roster of certified assessors a
9 panel numbering not less than 2 times the number of assessors
10 required. The parties shall augment the number by a factor of
11 50% by designating assessors who may serve as alternates to the
12 primary assessors.

13 The parties shall select assessors from the list or lists
14 provided by the Office or from the panel obtained by the
15 testing company as provided above. Within 7 days following the
16 receipt of the list, the parties shall notify the Office of the
17 assessors they have selected. Unless the parties agree on an
18 alternate selection procedure, they shall alternatively strike
19 names from the list provided by the Office until only the
20 number of required assessors remain. A coin toss shall
21 determine which party strikes the first name. If the parties
22 fail to notify the Office in a timely manner of their selection
23 of assessors, the Office shall appoint the assessors required
24 from the roster of certified assessors. In the event an
25 assessor is not able to participate in the assessment center
26 process for which he was selected, either of the parties

1 involved in the promotion process may request that additional
2 names of certified assessors be provided by the Office.

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

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.