



Rep. Michael K. Smith

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1 AMENDMENT TO HOUSE BILL 5787

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5787 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Municipal Code is amended by  
5 changing Sections 10-1-7 and 10-2.1-4 and by adding Sections  
6 10-1-7.1, 10-1-7.2, 10-2.1-6.3, and 10-2.1-6.4 as follows:

7 (65 ILCS 5/10-1-7) (from Ch. 24, par. 10-1-7)

8 Sec. 10-1-7. Examination of applicants; disqualifications.

9 (a) All applicants for offices or places in the classified  
10 service, except those mentioned in Section 10-1-17, are subject  
11 to examination. The examination shall be public, competitive,  
12 and open to all citizens of the United States, with specified  
13 limitations as to residence, age, health, habits and moral  
14 character.

15 (b) Residency requirements in effect at the time an  
16 individual enters the fire or police service of a municipality

1 (other than a municipality that has more than 1,000,000  
2 inhabitants) cannot be made more restrictive for that  
3 individual during his or her period of service for that  
4 municipality, or be made a condition of promotion, except for  
5 the rank or position of Fire or Police Chief.

6 (c) No person with a record of misdemeanor convictions  
7 except those under Sections 11-6, 11-7, 11-9, 11-14, 11-15,  
8 11-17, 11-18, 11-19, 12-2, 12-6, 12-15, 14-4, 16-1, 21.1-3,  
9 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6, 31-7, 32-1, 32-2,  
10 32-3, 32-4, 32-8, and subsections (1), (6) and (8) of Section  
11 24-1 of the Criminal Code of 1961 or arrested for any cause but  
12 not convicted on that cause shall be disqualified from taking  
13 the examination on grounds of habits or moral character, unless  
14 the person is attempting to qualify for a position on the  
15 police department, in which case the conviction or arrest may  
16 be considered as a factor in determining the person's habits or  
17 moral character.

18 (d) Persons entitled to military preference under Section  
19 10-1-16 shall not be subject to limitations specifying age  
20 unless they are applicants for a position as a fireman or a  
21 policeman having no previous employment status as a fireman or  
22 policeman in the regularly constituted fire or police  
23 department of the municipality, in which case they must not  
24 have attained their 35th birthday, except any person who has  
25 served as an auxiliary police officer under Section 3.1-30-20  
26 for at least 5 years and is under 40 years of age.

1           (e) All employees of a municipality of less than 500,000  
2 population (except those who would be excluded from the  
3 classified service as provided in this Division 1) who are  
4 holding that employment as of the date a municipality adopts  
5 this Division 1, or as of July 17, 1959, whichever date is the  
6 later, and who have held that employment for at least 2 years  
7 immediately before that later date, and all firemen and  
8 policemen regardless of length of service who were either  
9 appointed to their respective positions by the board of fire  
10 and police commissioners under the provisions of Division 2 of  
11 this Article or who are serving in a position (except as a  
12 temporary employee) in the fire or police department in the  
13 municipality on the date a municipality adopts this Division 1,  
14 or as of July 17, 1959, whichever date is the later, shall  
15 become members of the classified civil service of the  
16 municipality without examination.

17           (f) The examinations shall be practical in their character,  
18 and shall relate to those matters that will fairly test the  
19 relative capacity of the persons examined to discharge the  
20 duties of the positions to which they seek to be appointed. The  
21 examinations shall include tests of physical qualifications,  
22 health, and (when appropriate) manual skill. If an applicant is  
23 unable to pass the physical examination solely as the result of  
24 an injury received by the applicant as the result of the  
25 performance of an act of duty while working as a temporary  
26 employee in the position for which he or she is being examined,

1 however, the physical examination shall be waived and the  
2 applicant shall be considered to have passed the examination.  
3 No questions in any examination shall relate to political or  
4 religious opinions or affiliations. Results of examinations  
5 and the eligible registers prepared from the results shall be  
6 published by the commission within 60 days after any  
7 examinations are held.

8 (g) The commission shall control all examinations, and may,  
9 whenever an examination is to take place, designate a suitable  
10 number of persons, either in or not in the official service of  
11 the municipality, to be examiners. The examiners shall conduct  
12 the examinations as directed by the commission and shall make a  
13 return or report of the examinations to the commission. If the  
14 appointed examiners are in the official service of the  
15 municipality, the examiners shall not receive extra  
16 compensation for conducting the examinations. The commission  
17 may at any time substitute any other person, whether or not in  
18 the service of the municipality, in the place of any one  
19 selected as an examiner. The commission members may themselves  
20 at any time act as examiners without appointing examiners. The  
21 examiners at any examination shall not all be members of the  
22 same political party.

23 (h) In municipalities of 500,000 or more population, no  
24 person who has attained his or her 35th birthday shall be  
25 eligible to take an examination for a position as a fireman or  
26 a policeman unless the person has had previous employment

1 status as a policeman or fireman in the regularly constituted  
2 police or fire department of the municipality, except as  
3 provided in this Section.

4 (i) In municipalities of more than 5,000 but not more than  
5 200,000 inhabitants, no person who has attained his or her 35th  
6 birthday shall be eligible to take an examination for a  
7 position as a fireman or a policeman unless the person has had  
8 previous employment status as a policeman or fireman in the  
9 regularly constituted police or fire department of the  
10 municipality, except as provided in this Section.

11 (j) In all municipalities, applicants who are 20 years of  
12 age and who have successfully completed 2 years of law  
13 enforcement studies at an accredited college or university may  
14 be considered for appointment to active duty with the police  
15 department. An applicant described in this subsection (j) who  
16 is appointed to active duty shall not have power of arrest, nor  
17 shall the applicant be permitted to carry firearms, until he or  
18 she reaches 21 years of age.

19 (k) In municipalities of more than 500,000 population,  
20 applications for examination for and appointment to positions  
21 as firefighters or police shall be made available at various  
22 branches of the public library of the municipality.

23 (l) No municipality having a population less than 1,000,000  
24 shall require that any fireman appointed to the lowest rank  
25 serve a probationary employment period of longer than one year.  
26 The limitation on periods of probationary employment provided

1 in this amendatory Act of 1989 is an exclusive power and  
2 function of the State. Pursuant to subsection (h) of Section 6  
3 of Article VII of the Illinois Constitution, a home rule  
4 municipality having a population less than 1,000,000 must  
5 comply with this limitation on periods of probationary  
6 employment, which is a denial and limitation of home rule  
7 powers. Notwithstanding anything to the contrary in this  
8 Section, the probationary employment period limitation may be  
9 extended for a firefighter who is required, as a condition of  
10 employment, to be a certified paramedic, during which time the  
11 sole reason that a firefighter may be discharged without a  
12 hearing is for failing to meet the requirements for paramedic  
13 certification.

14 (m) To the extent that this Section or any other Section in  
15 this Division conflicts with Section 10-1-7.1 or 10-1-7.2, then  
16 Section 10-1-7.1 or 10-1-7.2 shall control.

17 (Source: P.A. 94-135, eff. 7-7-05; 94-984, eff. 6-30-06.)

18 (65 ILCS 5/10-1-7.1 new)

19 Sec. 10-1-7.1. Original appointments; full-time fire  
20 department.

21 (a) Applicability. Unless a commission elects to follow the  
22 provisions of Section 10-1-7.2, this Section shall apply to all  
23 original appointments to an affected full-time fire  
24 department. Existing registers of eligibles shall continue to  
25 be valid until their expiration dates, or up to a maximum of 2

1 years after the effective date of this amendatory Act of the  
2 96th General Assembly.

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

13 A home rule or non-home rule municipality may not  
14 administer its fire department process for original  
15 appointments in a manner that is inconsistent with this  
16 Section. This Section is a limitation under subsection (i) of  
17 Section 6 of Article VII of the Illinois Constitution on the  
18 concurrent exercise by home rule units of the powers and  
19 functions exercised by the State.

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

1 Whenever an appointing authority authorizes action to hire  
2 a person to perform the duties of a firefighter or to hire a  
3 firefighter-paramedic to fill a position that is a new position  
4 or vacancy due to resignation, discharge, promotion, death, the  
5 granting of a disability or retirement pension, or any other  
6 cause, the appointing authority shall appoint to that position  
7 the person with the highest ranking on the final eligibility  
8 list, except that the appointing authority shall have the right  
9 to pass over that person and appoint the next highest ranked  
10 person on the list if the appointing authority has reason to  
11 conclude that the highest ranked person fails to meet the  
12 minimum standards for the position.

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

20 The sole authority to issue certificates of appointment  
21 shall be vested in the Civil Service Commission. All  
22 certificates of appointment issued to any officer or member of  
23 an affected department shall be signed by the chairperson and  
24 secretary, respectively, of the commission upon appointment of  
25 such officer or member to the affected department by the  
26 commission. Each person who accepts a certificate of



1 appointment and successfully completes his or her probationary  
2 period shall be enrolled as a firefighter and as a regular  
3 member of the fire department.

4 For the purposes of this Section, "firefighter" means any  
5 person who has been prior to, on, or after the effective date  
6 of this amendatory Act of the 96th General Assembly appointed  
7 to a fire department or fire protection district or employed by  
8 a State university and sworn or commissioned to perform  
9 firefighter duties or paramedic duties, or both, except that  
10 the following persons are not included: part-time  
11 firefighters; auxiliary, reserve, or voluntary firefighters,  
12 including paid-on-call firefighters; clerks and dispatchers or  
13 other civilian employees of a fire department or fire  
14 protection district who are not routinely expected to perform  
15 firefighter duties; and elected officials.

16 (c) Qualification for placement on register of eligibles.  
17 The purpose of establishing a register of eligibles is to  
18 identify applicants who possess and demonstrate the mental  
19 aptitude and physical ability to perform the duties required of  
20 members of the fire department in order to provide the highest  
21 quality of service to the public. To this end, all applicants  
22 for original appointment to an affected fire department shall  
23 be subject to examination and testing which shall be public,  
24 competitive, and open to all applicants unless the municipality  
25 shall by ordinance limit applicants to residents of the  
26 municipality, county, State, or nation. Municipalities may

1 establish educational, emergency medical service licensure,  
2 and other pre-requisites for participation in an examination or  
3 for hire as a firefighter. Any fee to cover the costs of the  
4 application process shall not exceed \$25.

5 Residency requirements in effect at the time an individual  
6 enters the fire service of a municipality (other than a  
7 municipality that has more than 1,000,000 inhabitants) cannot  
8 be made more restrictive for that individual during his or her  
9 period of service for that municipality, or be made a condition  
10 of promotion, except for the rank or position of fire chief and  
11 for no more than 2 positions that rank immediately below that  
12 of the chief rank which are appointed positions pursuant to the  
13 Fire Department Promotion Act.

14 No person who is 35 years of age or older shall be eligible  
15 to take an examination for a position as a firefighter unless  
16 the person has had previous employment status as a firefighter  
17 in the regularly constituted fire department of the  
18 municipality, except as provided in this Section. The age  
19 limitation does not apply to:

20 (1) any person previously employed as a full-time  
21 firefighter in a regularly constituted fire department of  
22 (i) any municipality or fire protection district,  
23 regardless of whether the municipality or fire protection  
24 district is located in Illinois or in another state, (ii) a  
25 fire protection district whose obligations were assumed by  
26 a municipality under Section 21 of the Fire Protection

1 District Act, or (iii) a municipality whose obligations  
2 were taken over by a fire protection district, or

3 (2) any person who has served a municipality as a  
4 regularly enrolled volunteer, paid-on-call, or part-time  
5 firefighter for the 5 years immediately preceding the time  
6 that the municipality begins to use full-time firefighters  
7 to provide all or part of its fire protection service.

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

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

14 No municipality having a population of less than 1,000,000  
15 shall require that any firefighter appointed to the lowest rank  
16 serve a probationary employment period of longer than one year  
17 of actual active employment, which may exclude periods of  
18 training, or injury or illness leaves, including duty related  
19 leave, in excess of 30 calendar days. Notwithstanding anything  
20 to the contrary in this Section, the probationary employment  
21 period limitation may be extended for a firefighter who is  
22 required, as a condition of employment, to be a certified  
23 paramedic, during which time the sole reason that a firefighter  
24 may be discharged without a hearing is for failing to meet the  
25 requirements for paramedic certification.

26 In the event that any applicant who has been found eligible

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

18 (d) Notice, examination, and testing components. Notice of  
19 the time, place, general scope, and fee of every examination  
20 shall be given by the commission, by a publication at least 2  
21 weeks preceding the examination, 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. Additional notice of the  
25 examination may be given as the commission shall prescribe.

26 The examination and qualifying standards for employment of

1 firefighters shall be based on: mental aptitude, physical  
2 ability, preferences, moral character, and health. The mental  
3 aptitude, physical ability, and preference components shall  
4 determine an applicant's qualification for and placement on the  
5 final register of eligibles. The examination may also include a  
6 subjective component including without limitation an oral  
7 interview or an assessment center exercise.

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

18 (f) Physical ability. All candidates shall be required to  
19 undergo an examination of their physical ability to perform the  
20 essential functions included in the duties they may be called  
21 upon to perform as a member of a fire department. For the  
22 purposes of this Section, essential functions of the job are  
23 functions associated with duties that a firefighter may be  
24 called upon to perform in response to emergency calls. The  
25 frequency of the occurrence of those duties as part of the fire  
26 department's regular routine shall not be a controlling factor

1 in the design of examination criteria or evolutions selected  
2 for testing. These physical examinations shall be open,  
3 competitive, and based on industry standards designed to test  
4 each applicant's physical abilities in the following  
5 dimensions (or a similar test designed to ensure that the  
6 successful candidates are able to perform the essential  
7 functions of the firefighter's job description):

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

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

19 (3) The ability to carry out critical, time-sensitive,  
20 and complex problem solving during physical exertion in  
21 stressful and hazardous environments, including hot, dark,  
22 tightly enclosed spaces, that is further aggravated by  
23 fatigue, flashing lights, sirens, and other distractions.

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

1 regulations of the commission.

2 (g) Scoring of examination components. The examination  
3 components shall be graded on a 100-point scale. A person's  
4 position on the list shall be determined by the following: (i)  
5 the person's score on the written examination, (ii) the person  
6 successfully passing the physical ability component, and (iii)  
7 the addition of any applicable preference points.

8 Applicants who pass both the written examination and the  
9 physical ability examination shall be placed on the initial  
10 eligibility register. The passing score for each of these test  
11 components shall be determined by calculating a mean score for  
12 all applicants participating in each test. In order to qualify  
13 for placement on the final eligibility register, an applicant's  
14 total score, including any applicable preference points, shall  
15 be at or above the mean score plus 10%.

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

1 credit.

2 Commissions may conduct additional examinations, including  
3 without limitation a polygraph test, after a final eligibility  
4 register is established and before it expires with the  
5 candidates ranked by total score without regard to date of  
6 examination. No more than 60 days after each examination, an  
7 initial eligibility list shall be posted by the commission  
8 showing the final grades of the candidates without reference to  
9 priority of time of examination and subject to claim for  
10 preference credit.

11 (h) Preferences. The following are preferences:

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

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



1           (3) Educational preference. Persons who have  
2           successfully obtained an associate's degree in the field of  
3           fire service or emergency medical services, or a bachelor's  
4           degree from an accredited college or university shall be  
5           preferred for appointment to and employment with the fire  
6           department.

7           (4) Paramedic preference. Persons who have obtained  
8           certification as an Emergency Medical Technician-Paramedic  
9           (EMT-P) shall be preferred for appointment to and  
10           employment with the fire department of an affected  
11           department providing emergency medical services.

12           (5) Experience preference. All persons employed by a  
13           municipality who have been paid-on-call or part-time  
14           certified Firefighter II, State of Illinois or nationally  
15           licensed EMT-B or EMT-I, or any combination of those  
16           capacities shall be awarded 0.5 point for each year of  
17           successful service in one or more of those capacities, up  
18           to a maximum of 5 points. Certified Firefighter III and  
19           State of Illinois or nationally licensed paramedics shall  
20           be awarded one point per year up to a maximum of 5 points.  
21           Applicants from outside the municipality who were employed  
22           as full-time firefighters or firefighter-paramedics by a  
23           fire protection district or another municipality for at  
24           least 2 years shall have the same preference as  
25           paid-on-call or part-time personnel. These additional  
26           points presuppose a rating scale totaling 100 points

1 available for the eligibility list. If more or fewer points  
2 are used in the rating scale for the eligibility list, the  
3 points awarded under this subsection shall be increased or  
4 decreased by a factor equal to the total possible points  
5 available for the examination divided by 100.

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

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

1           (7) Scoring of preferences. Preference points shall be  
2           awarded in the order listed in items (1) through (6). The  
3           commission shall give preference for original appointment  
4           to persons designated in items (1) through (4) and item (6)  
5           by adding to the final grade which they receive 5 points  
6           for each recognized preference achieved. Experience  
7           preference of up to 5 points shall then be added in  
8           accordance with item (5). The numerical result thus  
9           attained shall be applied by the commission in determining  
10           the final eligibility list and appointment from such  
11           eligibility list.

12           No person entitled to any preference shall be required to  
13           claim the credit before any examination held under the  
14           provisions of this Section, but the preference shall be given  
15           after the posting or publication of the initial eligibility  
16           list or register at the request of a person entitled to a  
17           credit before any certification or appointments are made from  
18           the eligibility register, upon the furnishing of verifiable  
19           evidence and proof of qualifying preference credit. Candidates  
20           who are eligible for preference credit shall make a claim in  
21           writing within 10 days after the posting of the initial  
22           eligibility list, or the claim shall be deemed waived. Final  
23           eligibility registers shall be established after the awarding  
24           of verified preference points, and appointment from the final  
25           register shall be subject to the applicant passing the  
26           qualifying standards for moral character and health. All

1 employment shall be subject to the commission's initial hire  
2 background review including criminal history, employment  
3 history, moral character, oral examination, and medical  
4 examinations, all on a pass-fail basis. The medical  
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 for  
15 original appointment after the names have been on the list for  
16 more than 2 years.

17 (i) Moral character. No person shall be appointed to a fire  
18 department unless he or she is a person of good character; not  
19 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 subsections

1 1, 6, and 8 of Section 24-1 of the Criminal Code of 1961 or  
2 arrest for any cause without conviction thereon. Any such  
3 person who is in the department may be removed on charges  
4 brought for violating this subsection and after a trial as  
5 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 the  
10 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 for  
13 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 Division, 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 otherwise  
4 knowingly violates or subverts any requirement of this Section,  
5 commits a violation of this Section and may be subject to  
6 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 (65 ILCS 5/10-1-7.2 new)

13 Sec. 10-1-7.2. Alternative procedure; original  
14 appointment; full-time firefighter.

15 (a) Authority. The Joint Labor and Management Committee  
16 (JLMC), as defined in Section 50 of the Fire Department  
17 Promotion Act, may establish a community outreach program to  
18 market the profession of firefighter and firefighter-paramedic  
19 so as to ensure the pool of applicants recruited is of broad  
20 diversity and the highest quality.

21 For the purposes of this Section, "firefighter" means any  
22 person who has been prior to, on, or after the effective date  
23 of this amendatory Act of the 96th General Assembly appointed  
24 to a fire department or fire protection district or employed by  
25 a State university and sworn or commissioned to perform

1 firefighter duties or paramedic duties, or both, except that  
2 the following persons are not included: part-time  
3 firefighters; auxiliary, reserve, or voluntary firefighters,  
4 including paid-on-call firefighters; clerks and dispatchers or  
5 other civilian employees of a fire department or fire  
6 protection district who are not routinely expected to perform  
7 firefighter duties; and elected officials.

8 (b) Eligibility. Persons eligible for placement on the  
9 master register of eligibles shall consist of the following:

10 Persons who have participated in and received a passing  
11 total score on the mental aptitude, physical ability, and  
12 preference components of a regionally administered test  
13 based on the standards described in this Section. The  
14 standards for administering these tests and the minimum  
15 passing score required for placement on this list shall be  
16 as is set forth in this Section.

17 Qualified candidates shall be listed on the master  
18 register of eligibles in highest to lowest rank order based  
19 upon their test scores without regard to their date of  
20 examination. Candidates listed on the master register of  
21 eligibles shall be eligible for appointment for 3 years  
22 after the date of the certification of their final score on  
23 the register without regard to the date of their  
24 examination. After 3 years, the candidate's name shall be  
25 struck from the list.

26 Any person currently employed as a full-time member of

1       a fire department or any person who has experienced a  
2       non-voluntary (and non-disciplinary) separation from the  
3       active workforce due to a reduction in the number of  
4       departmental officers, who was appointed pursuant to this  
5       Division, Division 2.1 of Article 10 of the Illinois  
6       Municipal Code, or the Fire Protection District Act, and  
7       who during the previous 12 months participated in and  
8       received a passing score on the physical ability component  
9       of the test may request that his or her name be added to  
10       the master register. Any eligible person may be offered  
11       employment by a local commission under the same procedures  
12       as provided by this Section except that the apprenticeship  
13       period may be waived and the applicant may be immediately  
14       issued a certificate of original appointment by the local  
15       commission.

16       (c) Qualifications for placement on register of eligibles.  
17       The purpose for establishing a master register of eligibles  
18       shall be to identify applicants who possess and demonstrate the  
19       mental aptitude and physical ability to perform the duties  
20       required of members of the fire department in order to provide  
21       the highest quality of service to the public. To this end, all  
22       applicants for original appointment to an affected fire  
23       department through examination conducted by the Joint Labor and  
24       Management Committee (JLMC) shall be subject to examination and  
25       testing which shall be public, competitive, and open to all  
26       applicants. Any subjective component of the testing must be



1 administered by certified assessors. All qualifying and  
2 disqualifying factors applicable to examination processes for  
3 local commissions in this amendatory Act of the 96th General  
4 Assembly shall be applicable to persons participating in Joint  
5 Labor and Management Committee examinations unless  
6 specifically provided otherwise in this Section.

7 Notice of the time, place, general scope, and fee of every  
8 JLMC examination shall be given by the JLMC or designated  
9 testing agency, as applicable, by publication at least 30 days  
10 preceding the examination, in one or more newspapers published  
11 in the region, or if no newspaper is published therein, then in  
12 one or more newspapers with a general circulation within the  
13 region. Additional notice of the examination may be given as  
14 the JLMC shall prescribe.

15 (d) Examination and testing components for placement on  
16 register of eligibles. The examination and qualifying  
17 standards for placement on the master register of eligibles and  
18 employment shall be based on the following components: mental  
19 aptitude, physical ability, preferences, moral character, and  
20 health. The mental aptitude, physical ability, and preference  
21 components shall determine an applicant's qualification for  
22 and placement on the master register of eligibles. The  
23 consideration of an applicant's general moral character and  
24 health shall be administered on a pass-fail basis after a  
25 conditional offer of employment is made by a local commission.

26 (e) Mental aptitude. Examination of an applicant's mental

1 aptitude shall be based upon written examination and an  
2 applicant's prior experience demonstrating an aptitude for and  
3 commitment to service as a member of a fire department. Written  
4 examinations shall be practical in character and relate to  
5 those matters that fairly test the capacity of the persons  
6 examined to discharge the duties performed by members of a fire  
7 department. Written examinations shall be administered in a  
8 manner that ensures the security and accuracy of the scores  
9 achieved. Any subjective component of the testing must be  
10 administered by certified assessors. No person who does not  
11 possess a high school diploma or an equivalent high school  
12 education shall be placed on a register of eligibles. Local  
13 commissions may establish educational, emergency medical  
14 service licensure, and other pre-requisites for hire within  
15 their jurisdiction.

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

1 competitive, and based on industry standards designed to test  
2 each applicant's physical abilities in each of the following  
3 dimensions (or a similar test designed to ensure that the  
4 successful candidates are able to perform the essential  
5 functions of a firefighter's job description):

6 (1) Muscular strength to perform tasks and evolutions  
7 that may be required in the performance of duties including  
8 grip strength, leg strength, and arm strength. Tests shall  
9 be conducted under anaerobic as well as aerobic conditions  
10 to test both the candidate's speed and endurance in  
11 performing tasks and evolutions. Tasks tested are to be  
12 based on industry standards developed by the JLMC by rule.

13 (2) The ability to climb ladders, operate from heights,  
14 walk or crawl in the dark along narrow and uneven surfaces,  
15 and operate in proximity to hazardous environments.

16 (3) The ability to carry out critical, time-sensitive,  
17 and complex problem solving during physical exertion in  
18 stressful and hazardous environments, including hot, dark,  
19 tightly enclosed spaces, that is further aggravated by  
20 fatigue, flashing lights, sirens, and other distractions.

21 (g) Scoring of examination components. The examination  
22 components shall be graded on a 100-point scale. A person's  
23 position on the master register of eligibles shall be  
24 determined by the person's score on the written examination,  
25 the person successfully passing the physical ability  
26 component, and the addition of any applicable preference

1 points.

2 Applicants who have achieved at least the mean score of all  
3 applicants participating in the written examination at the same  
4 time, and who successfully pass the physical ability  
5 examination shall be placed on the initial eligibility  
6 register. For placement on the final eligibility register, the  
7 passing score shall be determined by (i) calculating the mean  
8 score for all applicants participating in the written test; and  
9 (ii) adding 20% to the mean score. Applicants whose total  
10 scores, including any applicable preference points, are above  
11 the mean score plus 20%, shall be placed on the master register  
12 of eligibles by the JLMC.

13 These persons shall take rank upon the register as  
14 candidates in the order of their relative excellence based on  
15 the highest to the lowest total points scored on the mental  
16 aptitude and physical ability components, plus any applicable  
17 preference points requested and verified by the JLMC, or  
18 approved testing agency.

19 No more than 60 days after each examination, a revised  
20 master register of eligibles shall be posted by the JLMC  
21 showing the final grades of the candidates without reference to  
22 priority of time of examination.

23 (h) Preferences. The board shall give military, education,  
24 and experience preference points to those who qualify for  
25 placement on the master register of eligibles, on the same  
26 basis as provided for examinations administered by a local

1 commission.

2 No person entitled to preference or credit shall be  
3 required to claim the credit before any examination held under  
4 the provisions of this Section. The preference shall be given  
5 after the posting or publication of the applicant's initial  
6 score at the request of the person before finalizing the scores  
7 from all applicants taking part in a JLMC examination.  
8 Candidates who are eligible for preference credit shall make a  
9 claim in writing within 10 days after the posting of the  
10 initial scores from any JLMC test or the claim shall be deemed  
11 waived. Once preference points are awarded, the candidates  
12 shall be certified to the master register in accordance with  
13 their final score including preference points.

14 (i) Firefighter apprentice and firefighter-paramedic  
15 apprentice. The employment of an applicant to an apprentice  
16 position (including a currently employed full-time member of a  
17 fire department whose apprenticeship may be reduced or waived)  
18 shall be subject to the applicant passing the moral character  
19 standards and health examinations of the local commission. In  
20 addition, a local commission may require as a condition of  
21 employment that the applicant demonstrate current physical  
22 ability by either passing the local commission's approved  
23 physical ability examination, or by presenting proof of  
24 participating in and receiving a passing score on the physical  
25 ability component of a JLMC test within a period of up to 12  
26 months before the date of the conditional offer of employment.

1 All offers of employment shall be subject to the local  
2 commission's initial hire background review including criminal  
3 history, employment history, moral character, oral  
4 examination, and medical examinations which may include  
5 polygraph, psychological, and drug screening components, all  
6 on a pass-fail basis. The medical examinations must be  
7 conducted last, and may only be performed after a conditional  
8 offer of employment has been extended.

9 (j) Selection from list. Any municipality or fire  
10 protection district that is a party to an intergovernmental  
11 agreement under the terms of which persons have been tested for  
12 placement on the master register of eligibles shall be entitled  
13 to offer employment to any person on the list irrespective of  
14 their ranking on the list. The offer of employment shall be to  
15 the position of firefighter apprentice or  
16 firefighter-paramedic apprentice.

17 Applicants passing these tests may be employed as a  
18 firefighter apprentice or a firefighter-paramedic apprentice  
19 who shall serve an apprenticeship period of 12 months or less  
20 according to the terms and conditions of employment as the  
21 employing municipality or district offers, or as provided for  
22 under the terms of any collective bargaining agreement then in  
23 effect. The apprenticeship period is separate from the  
24 probationary period.

25 Service during the apprenticeship period shall be on a  
26 probationary basis. During the apprenticeship period, the

1 apprentice's training and performance shall be monitored and  
2 evaluated by a Joint Apprenticeship Committee.

3 The Joint Apprenticeship Committee shall consist of 4  
4 members who shall be regular members of the fire department  
5 with at least 10 years of full-time work experience as a  
6 firefighter or firefighter-paramedic. The fire chief and the  
7 president of the exclusive bargaining representative  
8 recognized by the employer shall each appoint 2 members to the  
9 Joint Apprenticeship Committee. In the absence of an exclusive  
10 collective bargaining representative, the chief shall appoint  
11 the remaining 2 members who shall be from the ranks of company  
12 officer and firefighter with at least 10 years of work  
13 experience as a firefighter or firefighter-paramedic. In the  
14 absence of a sufficient number of qualified firefighters, the  
15 Joint Apprenticeship Committee members shall have the amount of  
16 experience and the type of qualifications as is reasonable  
17 given the circumstances of the fire department. In the absence  
18 of a full-time member in a rank between chief and the highest  
19 rank in a bargaining unit, the Joint Apprenticeship Committee  
20 shall be reduced to 2 members, one to be appointed by the chief  
21 and one by the union president, if any. If there is no  
22 exclusive bargaining representative, the chief shall appoint  
23 the second member of the Joint Apprenticeship Committee from  
24 among qualified members in the ranks of company officer and  
25 below. Before the conclusion of the apprenticeship period, the  
26 Joint Apprenticeship Committee shall meet to consider the

1 apprentice's progress and performance and vote to retain the  
2 apprentice as a member of the fire department or to terminate  
3 the apprenticeship. If 3 of the 4 members of the Joint  
4 Apprenticeship Committee affirmatively vote to retain the  
5 apprentice (if a 2 member Joint Apprenticeship Committee  
6 exists, then both members must affirmatively vote to retain the  
7 apprentice), the local commission shall issue the apprentice a  
8 certificate of original appointment to the fire department.

9 (k) A person who knowingly divulges or receives test  
10 questions or answers before a written examination, or otherwise  
11 knowingly violates or subverts any requirement of this Section,  
12 commits a violation of this Section and may be subject to  
13 charges for official misconduct.

14 A person who is the knowing recipient of test information  
15 in advance of the examination shall be disqualified from the  
16 examination or discharged from the position to which he or she  
17 was appointed, as applicable, and otherwise subjected to  
18 disciplinary actions.

19 (65 ILCS 5/10-2.1-4) (from Ch. 24, par. 10-2.1-4)

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

22 The board of fire and police commissioners shall appoint  
23 all officers and members of the fire and police departments of  
24 the municipality, including the chief of police and the chief  
25 of the fire department, unless the council or board of trustees



1 shall by ordinance as to them otherwise provide; except as  
2 otherwise provided in this Section, and except that in any  
3 municipality which adopts or has adopted this Division 2.1 and  
4 also adopts or has adopted Article 5 of this Code, the chief of  
5 police and the chief of the fire department shall be appointed  
6 by the municipal manager, if it is provided by ordinance in  
7 such municipality that such chiefs, or either of them, shall  
8 not be appointed by the board of fire and police commissioners.

9 If the chief of the fire department or the chief of the  
10 police department or both of them are appointed in the manner  
11 provided by ordinance, they may be removed or discharged by the  
12 appointing authority. In such case the appointing authority  
13 shall file with the corporate authorities the reasons for such  
14 removal or discharge, which removal or discharge shall not  
15 become effective unless confirmed by a majority vote of the  
16 corporate authorities.

17 If a member of the department is appointed chief of police  
18 or chief of the fire department prior to being eligible to  
19 retire on pension, he shall be considered as on furlough from  
20 the rank he held immediately prior to his appointment as chief.  
21 If he resigns as chief or is discharged as chief prior to  
22 attaining eligibility to retire on pension, he shall revert to  
23 and be established in whatever rank he currently holds, except  
24 for previously appointed positions, and thereafter be entitled  
25 to all the benefits and emoluments of that rank, without regard  
26 as to whether a vacancy then exists in that rank.

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

15 The sole authority to issue certificates of appointment  
16 shall be vested in the Board of Fire and Police Commissioners  
17 and all certificates of appointments issued to any officer or  
18 member of the fire or police department of a municipality shall  
19 be signed by the chairman and secretary respectively of the  
20 board of fire and police commissioners of such municipality,  
21 upon appointment of such officer or member of the fire and  
22 police department of such municipality by action of the board  
23 of fire and police commissioners. In any municipal fire  
24 department that employs full-time firefighters and is subject  
25 to a collective bargaining agreement, a person who has not  
26 qualified for regular appointment under the provisions of this

1 Division 2.1 shall not be used as a temporary or permanent  
2 substitute for classified members of a municipality's fire  
3 department or for regular appointment as a classified member of  
4 a municipality's fire department unless mutually agreed to by  
5 the employee's certified bargaining agent. Such agreement  
6 shall be considered a permissive subject of bargaining.  
7 Municipal fire departments covered by the changes made by this  
8 amendatory Act of the 95th General Assembly that are using  
9 non-certificated employees as substitutes immediately prior to  
10 the effective date of this amendatory Act of the 95th General  
11 Assembly may, by mutual agreement with the certified bargaining  
12 agent, continue the existing practice or a modified practice  
13 and that agreement shall be considered a permissive subject of  
14 bargaining. A home rule unit may not regulate the hiring of  
15 temporary or substitute members of the municipality's fire  
16 department in a manner that is inconsistent with this Section.  
17 This Section is a limitation under subsection (i) of Section 6  
18 of Article VII of the Illinois Constitution on the concurrent  
19 exercise by home rule units of powers and functions exercised  
20 by the State.

21 The term "policemen" as used in this Division does not  
22 include auxiliary police officers except as provided for in  
23 Section 10-2.1-6.

24 Any full time member of a regular fire or police department  
25 of any municipality which comes under the provisions of this  
26 Division or adopts this Division 2.1 or which has adopted any

1 of the prior Acts pertaining to fire and police commissioners,  
2 is a city officer.

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

22 Notwithstanding any other provision of this Section, a  
23 non-homerule municipality of 130,000 or fewer inhabitants,  
24 through its council or board of trustees, may, by ordinance,  
25 provide for a position of deputy chief to be appointed by the  
26 chief of the police department. The ordinance shall provide for

1 no more than one deputy chief position if the police department  
2 has fewer than 25 full-time police officers and for no more  
3 than 2 deputy chief positions if the police department has 25  
4 or more full-time police officers. The deputy chief position  
5 shall be an exempt rank immediately below that of Chief. The  
6 deputy chief may be appointed from any rank of sworn, full-time  
7 officers of the municipality's police department, but must have  
8 at least 5 years of full-time service as a police officer in  
9 that department. A deputy chief shall serve at the discretion  
10 of the Chief and, if removed from the position, shall revert to  
11 the rank currently held, without regard as to whether a vacancy  
12 exists in that rank. A deputy chief of police, having been  
13 appointed from any rank of sworn full-time officers of that  
14 municipality's police department, shall be permitted,  
15 regardless of rank, to take promotional exams and be promoted  
16 to a higher classified rank than he currently holds, without  
17 having to resign as deputy chief of police.

18 No municipality having a population less than 1,000,000  
19 shall require that any firefighter appointed to the lowest rank  
20 serve a probationary employment period of longer than one year.  
21 The limitation on periods of probationary employment provided  
22 in this amendatory Act of 1989 is an exclusive power and  
23 function of the State. Pursuant to subsection (h) of Section 6  
24 of Article VII of the Illinois Constitution, a home rule  
25 municipality having a population less than 1,000,000 must  
26 comply with this limitation on periods of probationary

1 employment, which is a denial and limitation of home rule  
2 powers. Notwithstanding anything to the contrary in this  
3 Section, the probationary employment period limitation may be  
4 extended for a firefighter who is required, as a condition of  
5 employment, to be a certified paramedic, during which time the  
6 sole reason that a firefighter may be discharged without a  
7 hearing is for failing to meet the requirements for paramedic  
8 certification.

9 To the extent that this Section or any other Section in  
10 this Division conflicts with Section 10-2.1-6.3 or 10-2.1-6.4,  
11 then Section 10-2.1-6.3 or 10-2.1-6.4 shall control.

12 (Source: P.A. 94-135, eff. 7-7-05; 94-984, eff. 6-30-06;  
13 95-490, eff. 6-1-08.)

14 (65 ILCS 5/10-2.1-6.3 new)

15 Sec. 10-2.1-6.3. Original appointments; full-time fire  
16 department.

17 (a) Applicability. Unless a commission elects to follow the  
18 provisions of Section 10-2.1-6.4, this Section shall apply to  
19 all original appointments to an affected full-time fire  
20 department. Existing registers of eligibles shall continue to  
21 be valid until their expiration dates, or up to a maximum of 2  
22 years after the effective date of this amendatory Act of the  
23 96th General Assembly.

24 Notwithstanding any statute, ordinance, rule, or other law  
25 to the contrary, all original appointments to an affected

1 department to which this Section applies shall be administered  
2 in the manner provided for in this Section. Provisions of the  
3 Illinois Municipal Code, municipal ordinances, and rules  
4 adopted pursuant to such authority and other laws relating to  
5 initial hiring of firefighters in affected departments shall  
6 continue to apply to the extent they are compatible with this  
7 Section, but in the event of a conflict between this Section  
8 and any other law, this Section shall control.

9 A home rule or non-home rule municipality may not  
10 administer its fire department process for original  
11 appointments in a manner that is inconsistent with this  
12 Section. This Section is a limitation under subsection (i) of  
13 Section 6 of Article VII of the Illinois Constitution on the  
14 concurrent exercise by home rule units of the powers and  
15 functions exercised by the State.

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

23 Whenever an appointing authority authorizes action to hire  
24 a person to perform the duties of a firefighter or to hire a  
25 firefighter-paramedic to fill a position that is a new position  
26 or vacancy due to resignation, discharge, promotion, death, the

1 granting of a disability or retirement pension, or any other  
2 cause, the appointing authority shall appoint to that position  
3 the person with the highest ranking on the final eligibility  
4 list, except that the appointing authority shall have the right  
5 to pass over that person and appoint the next highest ranked  
6 person on the list if the appointing authority has reason to  
7 conclude that the highest ranked person fails to meet the  
8 minimum standards for the position.

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

16 The sole authority to issue certificates of appointment  
17 shall be vested in the board of fire and police commissioners.  
18 All certificates of appointment issued to any officer or member  
19 of an affected department shall be signed by the chairperson  
20 and secretary, respectively, of the board upon appointment of  
21 such officer or member to the affected department by action of  
22 the board. Each person who accepts a certificate of appointment  
23 and successfully completes his or her probationary period shall  
24 be enrolled as a firefighter and as a regular member of the  
25 fire department.

26 For the purposes of this Section, "firefighter" means any



1 person who has been prior to, on, or after the effective date  
2 of this amendatory Act of the 96th General Assembly appointed  
3 to a fire department or fire protection district or employed by  
4 a State university and sworn or commissioned to perform  
5 firefighter duties or paramedic duties, or both, except that  
6 the following persons are not included: part-time  
7 firefighters; auxiliary, reserve, or voluntary firefighters,  
8 including paid-on-call firefighters; clerks and dispatchers or  
9 other civilian employees of a fire department or fire  
10 protection district who are not routinely expected to perform  
11 firefighter duties; and elected officials.

12 (c) Qualification for placement on register of eligibles.  
13 The purpose of establishing a register of eligibles is to  
14 identify applicants who possess and demonstrate the mental  
15 aptitude and physical ability to perform the duties required of  
16 members of the fire department in order to provide the highest  
17 quality of service to the public. To this end, all applicants  
18 for original appointment to an affected fire department shall  
19 be subject to examination and testing which shall be public,  
20 competitive, and open to all applicants unless the municipality  
21 shall by ordinance limit applicants to residents of the  
22 municipality, county, State, or nation. Municipalities may  
23 establish educational, emergency medical service licensure,  
24 and other pre-requisites for participation in an examination or  
25 for hire as a firefighter. Any fee to cover the costs of the  
26 application process shall not exceed \$25.

1       Residency requirements in effect at the time an individual  
2 enters the fire service of a municipality (other than a  
3 municipality that has more than 1,000,000 inhabitants) cannot  
4 be made more restrictive for that individual during his or her  
5 period of service for that municipality, or be made a condition  
6 of promotion, except for the rank or position of fire chief and  
7 for no more than 2 positions that rank immediately below that  
8 of the chief rank which are appointed positions pursuant to the  
9 Fire Department Promotion Act.

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

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

25           (2) any person who has served a municipality as a  
26 regularly enrolled volunteer, paid-on-call, or part-time

1       firefighter for the 5 years immediately preceding the time  
2       that the municipality begins to use full-time firefighters  
3       to provide all or part of its fire protection service.

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

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

10       No municipality having a population of less than 1,000,000  
11       shall require that any firefighter appointed to the lowest rank  
12       serve a probationary employment period of longer than one year  
13       of actual active employment, which may exclude periods of  
14       training, or injury or illness leaves, including duty related  
15       leave, in excess of 30 calendar days. Notwithstanding anything  
16       to the contrary in this Section, the probationary employment  
17       period limitation may be extended for a firefighter who is  
18       required, as a condition of employment, to be a certified  
19       paramedic, during which time the sole reason that a firefighter  
20       may be discharged without a hearing is for failing to meet the  
21       requirements for paramedic certification.

22       In the event that any applicant who has been found eligible  
23       for appointment and whose name has been placed upon the final  
24       eligibility register provided for in this Section has not been  
25       appointed to a firefighter position within one year after the  
26       date of his or her physical ability examination, the commission

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

14 (d) Notice, examination, and testing components. Notice of  
15 the time, place, general scope, and fee of every examination  
16 shall be given by the commission, by a publication at least 2  
17 weeks preceding the examination, in one or more newspapers  
18 published in the municipality, or if no newspaper is published  
19 therein, then in one or more newspapers with a general  
20 circulation within the municipality. Additional notice of the  
21 examination may be given as the commission shall prescribe.

22 The examination and qualifying standards for employment of  
23 firefighters shall be based on: mental aptitude, physical  
24 ability, preferences, moral character, and health. The mental  
25 aptitude, physical ability, and preference components shall  
26 determine an applicant's qualification for and placement on the

1 final register of eligibles. The examination may also include a  
2 subjective component including without limitation an oral  
3 interview or an assessment center exercise.

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

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

1 dimensions (or a similar test designed to ensure that the  
2 successful candidates are able to perform the essential  
3 functions of the firefighter's job description):

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

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

15 (3) The ability to carry out critical, time-sensitive,  
16 and complex problem solving during physical exertion in  
17 stressful and hazardous environments, including hot, dark,  
18 tightly enclosed spaces, that is further aggravated by  
19 fatigue, flashing lights, sirens, and other distractions.

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

24 (g) Scoring of examination components. The examination  
25 components shall be graded on a 100-point scale. A person's  
26 position on the list shall be determined by the following: (i)

1 the person's score on the written examination, (ii) the person  
2 successfully passing the physical ability component, and (iii)  
3 the addition of any applicable preference points.

4 Applicants who pass both the written examination and the  
5 physical ability examination shall be placed on the initial  
6 eligibility register. The passing score for each of these test  
7 components shall be determined by calculating a mean score for  
8 all applicants participating in each test. In order to qualify  
9 for placement on the final eligibility register, an applicant's  
10 total score, including any applicable preference points, shall  
11 be at or above the mean score plus 10%.

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

24 Commissions may conduct additional examinations, including  
25 without limitation a polygraph test, after a final eligibility  
26 register is established and before it expires with the

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

7 (h) Preferences. The following are preferences:

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

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

23 (3) Educational preference. Persons who have  
24 successfully obtained an associate's degree in the field of  
25 fire service or emergency medical services, or a bachelor's  
26 degree from an accredited college or university shall be



1 preferred for appointment to and employment with the fire  
2 department.

3 (4) Paramedic preference. Persons who have obtained  
4 certification as an Emergency Medical Technician-Paramedic  
5 (EMT-P) shall be preferred for appointment to and  
6 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, State of Illinois or nationally  
11 licensed EMT-B or EMT-I, or any combination of those  
12 capacities shall be awarded 0.5 point for each year of  
13 successful service in one or more of those capacities, up  
14 to a maximum of 5 points. Certified Firefighter III and  
15 State of Illinois or nationally licensed paramedics shall  
16 be awarded one point per year up to a maximum of 5 points.  
17 Applicants from outside the municipality who were employed  
18 as full-time firefighters or firefighter-paramedics by a  
19 fire protection district or another municipality for at  
20 least 2 years shall have the same preference as  
21 paid-on-call or part-time personnel. These additional  
22 points presuppose a rating scale totaling 100 points  
23 available for the eligibility list. If more or fewer points  
24 are used in the rating scale for the eligibility list, the  
25 points awarded under this subsection shall be increased or  
26 decreased by a factor equal to the total possible points

1 available for the examination divided by 100.

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

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

23 (7) Scoring of preferences. Preference points shall be  
24 awarded in the order listed in items (1) through (6). The  
25 commission shall give preference for original appointment  
26 to persons designated in items (1) through (4) and item (6)

1       by adding to the final grade which they receive 5 points  
2       for each recognized preference achieved. Experience  
3       preference of up to 5 points shall then be added in  
4       accordance with item (5). The numerical result thus  
5       attained shall be applied by the commission in determining  
6       the final eligibility list and appointment from such  
7       eligibility list.

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, and appointment from the final  
21      register shall be subject to the applicant passing the  
22      qualifying standards for moral character and health. All  
23      employment shall be subject to the commission's initial hire  
24      background review including criminal history, employment  
25      history, moral character, oral examination, and medical  
26      examinations, all on a pass-fail basis. The medical

1 examinations must be conducted last, and may only be performed  
2 after a conditional offer of employment has been extended.

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

10 The commission shall strike off the names of candidates for  
11 original appointment after the names have been on the list for  
12 more than 2 years.

13 (i) Moral character. No person shall be appointed to a fire  
14 department unless he or she is a person of good character; not  
15 a habitual drunkard, a gambler, or a person who has been  
16 convicted of a felony or a crime involving moral turpitude.  
17 However, no person shall be disqualified from appointment to  
18 the fire department because of the person's record of  
19 misdemeanor convictions except those under Sections 11-6,  
20 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,  
21 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,  
22 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and subsections  
23 1, 6, and 8 of Section 24-1 of the Criminal Code of 1961 or  
24 arrest for any cause without conviction thereon. Any such  
25 person who is in the department may be removed on charges  
26 brought for violating this subsection and after a trial as

1 hereinafter provided.

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

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

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

24 (k) A person who knowingly divulges or receives test  
25 questions or answers before a written examination, or otherwise  
26 knowingly violates or subverts any requirement of this Section,

1 commits a violation of this Section and may be subject to  
2 charges for official misconduct.

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

8 (65 ILCS 5/10-2.1-6.4 new)

9 Sec. 10-2.1-6.4. Alternative procedure; original  
10 appointment; full-time firefighter.

11 (a) Authority. The Joint Labor and Management Committee  
12 (JLMC), as defined in Section 50 of the Fire Department  
13 Promotion Act, may establish a community outreach program to  
14 market the profession of firefighter and firefighter-paramedic  
15 so as to ensure the pool of applicants recruited is of broad  
16 diversity and the highest quality.

17 For the purposes of this Section, "firefighter" means any  
18 person who has been prior to, on, or after the effective date  
19 of this amendatory Act of the 96th General Assembly appointed  
20 to a fire department or fire protection district or employed by  
21 a State university and sworn or commissioned to perform  
22 firefighter duties or paramedic duties, or both, except that  
23 the following persons are not included: part-time  
24 firefighters; auxiliary, reserve, or voluntary firefighters,  
25 including paid-on-call firefighters; clerks and dispatchers or

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

4 (b) Eligibility. Persons eligible for placement on the  
5 master register of eligibles shall consist of the following:

6 Persons who have participated in and received a passing  
7 total score on the mental aptitude, physical ability, and  
8 preference components of a regionally administered test  
9 based on the standards described in this Section. The  
10 standards for administering these tests and the minimum  
11 passing score required for placement on this list shall be  
12 as is set forth in this Section.

13 Qualified candidates shall be listed on the master  
14 register of eligibles in highest to lowest rank order based  
15 upon their test scores without regard to their date of  
16 examination. Candidates listed on the master register of  
17 eligibles shall be eligible for appointment for 3 years  
18 after the date of the certification of their final score on  
19 the register without regard to the date of their  
20 examination. After 3 years, the candidate's name shall be  
21 struck from the list.

22 Any person currently employed as a full-time member of  
23 a fire department or any person who has experienced a  
24 non-voluntary (and non-disciplinary) separation from the  
25 active workforce due to a reduction in the number of  
26 departmental officers, who was appointed pursuant to

1       Division 1 of Article 10 of the Illinois Municipal Code,  
2       Division 2.1 of Article 10 of the Illinois Municipal Code,  
3       or the Fire Protection District Act, and who during the  
4       previous 12 months participated in and received a passing  
5       score on the physical ability component of the test may  
6       request that his or her name be added to the master  
7       register. Any eligible person may be offered employment by  
8       a local commission under the same procedures as provided by  
9       this Section except that the apprenticeship period may be  
10       waived and the applicant may be immediately issued a  
11       certificate of original appointment by the local  
12       commission.

13       (c) Qualifications for placement on register of eligibles.

14       The purpose for establishing a master register of eligibles  
15       shall be to identify applicants who possess and demonstrate the  
16       mental aptitude and physical ability to perform the duties  
17       required of members of the fire department in order to provide  
18       the highest quality of service to the public. To this end, all  
19       applicants for original appointment to an affected fire  
20       department through examination conducted by the Joint Labor and  
21       Management Committee (JLMC) shall be subject to examination and  
22       testing which shall be public, competitive, and open to all  
23       applicants. Any subjective component of the testing must be  
24       administered by certified assessors. All qualifying and  
25       disqualifying factors applicable to examination processes for  
26       local commissions in this amendatory Act of the 96th General



1 Assembly shall be applicable to persons participating in Joint  
2 Labor and Management Committee examinations unless  
3 specifically provided otherwise in this Section.

4 Notice of the time, place, general scope, and fee of every  
5 JLMC examination shall be given by the JLMC or designated  
6 testing agency, as applicable, by a publication at least 30  
7 days preceding the examination, in one or more newspapers  
8 published in the region, or if no newspaper is published  
9 therein, then in one or more newspapers with a general  
10 circulation within the region. Additional notice of the  
11 examination may be given as the JLMC shall prescribe.

12 (d) Examination and testing components for placement on  
13 register of eligibles. The examination and qualifying  
14 standards for placement on the master register of eligibles and  
15 employment shall be based on the following components: mental  
16 aptitude, physical ability, preferences, moral character, and  
17 health. The mental aptitude, physical ability, and preference  
18 components shall determine an applicant's qualification for  
19 and placement on the master register of eligibles. The  
20 consideration of an applicant's general moral character and  
21 health shall be administered on a pass-fail basis after a  
22 conditional offer of employment is made by a local commission.

23 (e) Mental aptitude. Examination of an applicant's mental  
24 aptitude shall be based upon written examination and an  
25 applicant's prior experience demonstrating an aptitude for and  
26 commitment to service as a member of a fire department. Written

1 examinations shall be practical in character and relate to  
2 those matters that fairly test the capacity of the persons  
3 examined to discharge the duties performed by members of a fire  
4 department. Written examinations shall be administered in a  
5 manner that ensures the security and accuracy of the scores  
6 achieved. Any subjective component of the testing must be  
7 administered by certified assessors. No person who does not  
8 possess a high school diploma or an equivalent high school  
9 education shall be placed on a register of eligibles. Local  
10 commissions may establish educational, emergency medical  
11 service licensure, and other pre-requisites for hire within  
12 their jurisdiction.

13 (f) Physical ability. All candidates shall be required to  
14 undergo an examination of their physical ability to perform the  
15 essential functions included in the duties they may be called  
16 upon to perform as a member of a fire department. For the  
17 purposes of this Section, essential functions of the job are  
18 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 each of the following  
26 dimensions (or a similar test designed to ensure that the

1 successful candidates are able to perform the essential  
2 functions of a firefighter's job description):

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

10 (2) The ability to climb ladders, operate from heights,  
11 walk or crawl in the dark along narrow and uneven surfaces,  
12 and operate in proximity to hazardous 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, including hot, dark,  
16 tightly enclosed spaces, that is further aggravated by  
17 fatigue, flashing lights, sirens, and other distractions.

18 (g) Scoring of examination components. The examination  
19 components shall be graded on a 100-point scale. A person's  
20 position on the master register of eligibles shall be  
21 determined by the person's score on the written examination,  
22 the person successfully passing the physical ability  
23 component, and the addition of any applicable preference  
24 points.

25 Applicants who have achieved at least the mean score of all  
26 applicants participating in the written examination at the same

1 time, and who successfully pass the physical ability  
2 examination shall be placed on the initial eligibility  
3 register. For placement on the final eligibility register, the  
4 passing score shall be determined by (i) calculating the mean  
5 score for all applicants participating in the written test; and  
6 (ii) adding 20% to the mean score. Applicants whose total  
7 scores, including any applicable preference points, are above  
8 the mean score plus 20%, shall be placed on the master register  
9 of eligibles by the JLMC.

10 These persons shall take rank upon the register as  
11 candidates in the order of their relative excellence based on  
12 the highest to the lowest total points scored on the mental  
13 aptitude and physical ability components, plus any applicable  
14 preference points requested and verified by the JLMC, or  
15 approved testing agency.

16 No more than 60 days after each examination, a revised  
17 master register of eligibles shall be posted by the JLMC  
18 showing the final grades of the candidates without reference to  
19 priority of time of examination.

20 (h) Preferences. The board shall give military, education,  
21 and experience preference points to those who qualify for  
22 placement on the master register of eligibles, on the same  
23 basis as provided for examinations administered by a local  
24 commission.

25 No person entitled to preference or credit shall be  
26 required to claim the credit before any examination held under

1 the provisions of this Section. The preference shall be given  
2 after the posting or publication of the applicant's initial  
3 score at the request of the person before finalizing the scores  
4 from all applicants taking part in a JLMC examination.  
5 Candidates who are eligible for preference credit shall make a  
6 claim in writing within 10 days after the posting of the  
7 initial scores from any JLMC test or the claim shall be deemed  
8 waived. Once preference points are awarded, the candidates  
9 shall be certified to the master register in accordance with  
10 their final score including preference points.

11 (i) Firefighter apprentice and firefighter-paramedic  
12 apprentice. The employment of an applicant to an apprentice  
13 position (including a currently employed full-time member of a  
14 fire department whose apprenticeship may be reduced or waived)  
15 shall be subject to the applicant passing the moral character  
16 standards and health examinations of the local commission. In  
17 addition, a local commission may require as a condition of  
18 employment that the applicant demonstrate current physical  
19 ability by either passing the local commission's approved  
20 physical ability examination, or by presenting proof of  
21 participating in and receiving a passing score on the physical  
22 ability component of a JLMC test within a period of up to 12  
23 months before the date of the conditional offer of employment.  
24 All offers of employment shall be subject to the local  
25 commission's initial hire background review including criminal  
26 history, employment history, moral character, oral

1 examination, and medical examinations which may include  
2 polygraph, psychological, and drug screening components, all  
3 on a pass-fail basis. The medical examinations must be  
4 conducted last, and may only be performed after a conditional  
5 offer of employment has been extended.

6 (j) Selection from list. Any municipality or fire  
7 protection district that is a party to an intergovernmental  
8 agreement under the terms of which persons have been tested for  
9 placement on the master register of eligibles shall be entitled  
10 to offer employment to any person on the list irrespective of  
11 their ranking on the list. The offer of employment shall be to  
12 the position of firefighter apprentice or  
13 firefighter-paramedic apprentice.

14 Applicants passing these tests may be employed as a  
15 firefighter apprentice or a firefighter-paramedic apprentice  
16 who shall serve an apprenticeship period of 12 months or less  
17 according to the terms and conditions of employment as the  
18 employing municipality or district offers, or as provided for  
19 under the terms of any collective bargaining agreement then in  
20 effect. The apprenticeship period is separate from the  
21 probationary period.

22 Service during the apprenticeship period shall be on a  
23 probationary basis. During the apprenticeship period, the  
24 apprentice's training and performance shall be monitored and  
25 evaluated by a Joint Apprenticeship Committee.

26 The Joint Apprenticeship Committee shall consist of 4

1 members who shall be regular members of the fire department  
2 with at least 10 years of full-time work experience as a  
3 firefighter or firefighter-paramedic. The fire chief and the  
4 president of the exclusive bargaining representative  
5 recognized by the employer shall each appoint 2 members to the  
6 Joint Apprenticeship Committee. In the absence of an exclusive  
7 collective bargaining representative, the chief shall appoint  
8 the remaining 2 members who shall be from the ranks of company  
9 officer and firefighter with at least 10 years of work  
10 experience as a firefighter or firefighter-paramedic. In the  
11 absence of a sufficient number of qualified firefighters, the  
12 Joint Apprenticeship Committee members shall have the amount of  
13 experience and the type of qualifications as is reasonable  
14 given the circumstances of the fire department. In the absence  
15 of a full-time member in a rank between chief and the highest  
16 rank in a bargaining unit, the Joint Apprenticeship Committee  
17 shall be reduced to 2 members, one to be appointed by the chief  
18 and one by the union president, if any. If there is no  
19 exclusive bargaining representative, the chief shall appoint  
20 the second member of the Joint Apprenticeship Committee from  
21 among qualified members in the ranks of company officer and  
22 below. Before the conclusion of the apprenticeship period, the  
23 Joint Apprenticeship Committee shall meet to consider the  
24 apprentice's progress and performance and vote to retain the  
25 apprentice as a member of the fire department or to terminate  
26 the apprenticeship. If 3 of the 4 members of the Joint

1 Apprenticeship Committee affirmatively vote to retain the  
2 apprentice (if a 2 member Joint Apprenticeship Committee  
3 exists, then both members must affirmatively vote to retain the  
4 apprentice), the local commission shall issue the apprentice a  
5 certificate of original appointment to the fire department.

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

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

16 Section 10. The Fire Protection District Act is amended by  
17 changing Section 16.04a and by adding Sections 16.06b and  
18 16.06c as follows:

19 (70 ILCS 705/16.04a) (from Ch. 127 1/2, par. 37.04a)

20 Sec. 16.04a. The board of fire commissioners shall appoint  
21 all officers and members of the fire departments of the  
22 district, except the Chief of the fire department. The board of  
23 trustees shall appoint the Chief of the fire department, who  
24 shall serve at the pleasure of the board, and may enter into a



1 multi-year contract not exceeding 3 years with the Chief.

2 If a member of the department is appointed Chief of the  
3 fire department prior to being eligible to retire on pension he  
4 shall be considered as on furlough from the rank he held  
5 immediately prior to his appointment as Chief. If he resigns as  
6 Chief or is discharged as Chief prior to attaining eligibility  
7 to retire on pension, he shall revert to and be established in  
8 such prior rank, and thereafter be entitled to all the benefits  
9 and emoluments of such prior rank, without regard as to whether  
10 a vacancy then exists in such rank. In such instances, the  
11 Chief shall be deemed to have continued to accrue seniority in  
12 the department during his period of service as Chief, or time  
13 in grade in his former rank to which he shall revert during his  
14 period of service as Chief, except solely for purposes of any  
15 layoff as provided in Section 16.13b hereafter.

16 All appointments to each department other than that of the  
17 lowest rank, however, shall be from the rank next below that to  
18 which the appointment is made, except that the Chief of the  
19 fire department may be appointed from among members of the fire  
20 department, regardless of rank.

21 The sole authority to issue certificates of appointment  
22 shall be vested in the board of fire commissioners and all  
23 certificates of appointments issued to any officer or member of  
24 the fire department shall be signed by the chairman and  
25 secretary respectively of the board of fire commissioners upon  
26 appointment of such officer or member of the fire department by

1 action of the board of fire commissioners.

2 To the extent that this Section or any other Section in  
3 this Act conflicts with Section 16.06b or 16.06c, then Section  
4 16.06b or 16.06c shall control.

5 (Source: P.A. 91-948, eff. 1-1-02.)

6 (70 ILCS 705/16.06b new)

7 Sec. 16.06b. Original appointments; full-time fire  
8 department.

9 (a) Applicability. Unless a commission elects to follow the  
10 provisions of Section 16.06c, this Section shall apply to all  
11 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 the effective date of this amendatory Act of the  
15 96th 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, Fire Protection District Act, fire  
21 district ordinances, and rules adopted pursuant to such  
22 authority and other laws relating to initial hiring of  
23 firefighters in affected departments shall continue to apply to  
24 the extent they are compatible with this Section, but in the  
25 event of a conflict between this Section and any other law,

1 this Section shall control.

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

9 Whenever an appointing authority authorizes action to hire  
10 a person to perform the duties of a firefighter or to hire a  
11 firefighter-paramedic to fill a position that is a new position  
12 or vacancy due to resignation, discharge, promotion, death, the  
13 granting of a disability or retirement pension, or any other  
14 cause, the appointing authority shall appoint to that position  
15 the person with the highest ranking on the final eligibility  
16 list, except that the appointing authority shall have the right  
17 to pass over that person and appoint the next highest ranked  
18 person on the 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.

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

1 the fire district's register of eligibles.

2 The sole authority to issue certificates of appointment  
3 shall be vested in the board of fire commissioners, or board of  
4 trustees serving in the capacity of a board of fire  
5 commissioners. All certificates of appointment issued to any  
6 officer or member of an affected department shall be signed by  
7 the chairperson and secretary, respectively, of the commission  
8 upon appointment of such officer or member to the affected  
9 department by action of the commission. Each person who accepts  
10 a certificate of appointment and successfully completes his or  
11 her probationary period shall be enrolled as a firefighter and  
12 as a regular member of the fire department.

13 For the purposes of this Section, "firefighter" means any  
14 person who has been prior to, on, or after the effective date  
15 of this amendatory Act of the 96th General Assembly appointed  
16 to a fire department or fire protection district or employed by  
17 a State university and sworn or commissioned to perform  
18 firefighter duties or paramedic duties, or both, except that  
19 the following persons are not included: part-time  
20 firefighters; auxiliary, reserve, or voluntary firefighters,  
21 including paid-on-call firefighters; clerks and dispatchers or  
22 other civilian employees of a fire department or fire  
23 protection district who are not routinely expected to perform  
24 firefighter duties; and elected officials.

25 (c) Qualification for placement on register of eligibles.

26 The purpose of establishing a register of eligibles is to

1 identify applicants who possess and demonstrate the mental  
2 aptitude and physical ability to perform the duties required of  
3 members of the fire department in order to provide the highest  
4 quality of service to the public. To this end, all applicants  
5 for original appointment to an affected fire department shall  
6 be subject to examination and testing which shall be public,  
7 competitive, and open to all applicants unless the district  
8 shall by ordinance limit applicants to residents of the  
9 district, county, State, or nation. Districts may establish  
10 educational, emergency medical service licensure, and other  
11 pre-requisites for participation in an examination or for hire  
12 as a firefighter. Any fee to cover the costs of the application  
13 process shall not exceed \$25.

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

22 No person who is 35 years of age or older shall be eligible  
23 to take an examination for a position as a firefighter unless  
24 the person has had previous employment status as a firefighter  
25 in the regularly constituted fire department of the district,  
26 except as provided in this Section. The age limitation does not

1 apply to:

2 (1) any person previously employed as a full-time  
3 firefighter in a regularly constituted fire department of  
4 (i) any municipality or fire protection district,  
5 regardless of whether the municipality or fire protection  
6 district is located in Illinois or in another state, (ii) a  
7 fire protection district whose obligations were assumed by  
8 a municipality under Section 21 of the Fire Protection  
9 District Act, or (iii) a municipality whose obligations  
10 were taken over by a fire protection district, or

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

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

18 No applicant shall be examined concerning his or her  
19 political or religious opinions or affiliations. The  
20 examinations shall be conducted by the commissioners of the  
21 district or their designees and agents.

22 No district shall require that any firefighter appointed to  
23 the lowest rank serve a probationary employment period of  
24 longer than one year of actual active employment, which may  
25 exclude periods of training, or injury or illness leaves,  
26 including duty related leave, in excess of 30 calendar days.

1 Notwithstanding anything to the contrary in this Section, the  
2 probationary employment period limitation may be extended for a  
3 firefighter who is required, as a condition of employment, to  
4 be a certified paramedic, during which time the sole reason  
5 that a firefighter may be discharged without a hearing is for  
6 failing to meet the requirements for paramedic certification.

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

25 (d) Notice, examination, and testing components. Notice of  
26 the time, place, general scope, and fee of every examination

1 shall be given by the commission, by a publication at least 2  
2 weeks preceding the examination, in one or more newspapers  
3 published in the district, or if no newspaper is published  
4 therein, then in one or more newspapers with a general  
5 circulation within the district. Additional notice of the  
6 examination may be given as the commission shall prescribe.

7 The examination and qualifying standards for employment of  
8 firefighters shall be based on: mental aptitude, physical  
9 ability, preferences, moral character, and health. The mental  
10 aptitude, physical ability, and preference components shall  
11 determine an applicant's qualification for and placement on the  
12 final register of eligibles. The examination may also include a  
13 subjective component including without limitation an oral  
14 interview or an assessment center exercise.

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

25 (f) Physical ability. All candidates shall be required to  
26 undergo an examination of their physical ability to perform the



1 essential functions included in the duties they may be called  
2 upon to perform as a member of a fire department. For the  
3 purposes of this Section, essential functions of the job are  
4 functions associated with duties that a firefighter may be  
5 called upon to perform in response to emergency calls. The  
6 frequency of the occurrence of those duties as part of the fire  
7 department's regular routine shall not be a controlling factor  
8 in the design of examination criteria or evolutions selected  
9 for testing. These physical examinations shall be open,  
10 competitive, and based on industry standards designed to test  
11 each applicant's physical abilities in the following  
12 dimensions (or a similar test designed to ensure that the  
13 successful candidates are able to perform the essential  
14 functions of the firefighter's job description):

15 (1) Muscular strength to perform tasks and evolutions  
16 that may be required in the performance of duties including  
17 grip strength, leg strength, and arm strength. Tests shall  
18 be conducted under anaerobic as well as aerobic conditions  
19 to test both the candidate's speed and endurance in  
20 performing tasks and evolutions. Tasks tested may be based  
21 on standards developed, or approved, by the local  
22 appointing authority.

23 (2) The ability to climb ladders, operate from heights,  
24 walk or crawl in the dark along narrow and uneven surfaces,  
25 and operate in proximity to hazardous environments.

26 (3) The ability to carry out critical, time-sensitive,

1 and complex problem solving during physical exertion in  
2 stressful and hazardous environments, including hot, dark,  
3 tightly enclosed spaces, that is further aggravated by  
4 fatigue, flashing lights, sirens, and other distractions.

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

9 (g) Scoring of examination components. The examination  
10 components shall be graded on a 100-point scale. A person's  
11 position on the list shall be determined by the following: (i)  
12 the person's score on the written examination, (ii) the person  
13 successfully passing the physical ability component, and (iii)  
14 the addition of any applicable preference points.

15 Applicants who pass both the written examination and the  
16 physical ability examination shall be placed on the initial  
17 eligibility register. The passing score for each of these test  
18 components shall be determined by calculating a mean score for  
19 all applicants participating in each test. In order to qualify  
20 for placement on the final eligibility register, an applicant's  
21 total score, including any applicable preference points, shall  
22 be at or above the mean score plus 10%.

23 The commission shall prepare and keep a register of persons  
24 whose total score is not less than the minimum fixed by this  
25 Section. These persons shall take rank upon the register as  
26 candidates in the order of their relative excellence based on

1 the highest to the lowest total points scored on the mental  
2 aptitude, physical ability, and preference components of the  
3 test administered in accordance with this Section. No more than  
4 60 days after each examination, an initial eligibility list  
5 shall be posted by the commission. The list shall include the  
6 final grades of the candidates without reference to priority of  
7 the time of examination and subject to claim for preference  
8 credit.

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

18 (h) Preferences. The following are preferences:

19 (1) Veteran preference. Persons who were engaged in the  
20 military service of the United States for a period of at  
21 least one year of active duty and who were honorably  
22 discharged therefrom, or who are now or have been members  
23 on inactive or reserve duty in such military or naval  
24 service, shall be preferred for appointment to and  
25 employment with the fire department of an affected  
26 department.

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

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

14           (4) Paramedic preference. Persons who have obtained  
15           certification as an Emergency Medical Technician-Paramedic  
16           (EMT-P) shall be preferred for appointment to and  
17           employment with the fire department of an affected  
18           department providing emergency medical services.

19           (5) Experience preference. All persons employed by a  
20           district who have been paid-on-call or part-time certified  
21           Firefighter II, State of Illinois or nationally licensed  
22           EMT-B or EMT-I, or any combination of those capacities  
23           shall be awarded 0.5 point for each year of successful  
24           service in one or more of those capacities, up to a maximum  
25           of 5 points. Certified Firefighter III and State of  
26           Illinois or nationally licensed paramedics shall be

1 awarded one point per year up to a maximum of 5 points.  
2 Applicants from outside the district who were employed as  
3 full-time firefighters or firefighter-paramedics by a fire  
4 protection district or municipality for at least 2 years  
5 shall have the same preference as paid-on-call or part-time  
6 personnel. These additional points presuppose a rating  
7 scale totaling 100 points available for the eligibility  
8 list. If more or fewer points are used in the rating scale  
9 for the eligibility list, the points awarded under this  
10 subsection shall be increased or decreased by a factor  
11 equal to the total possible points available for the  
12 examination divided by 100.

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

17 Upon request by the commission, the governing body of  
18 the district or in the case of applicants from outside the  
19 district the governing body of any other fire protection  
20 district or any municipality shall certify to the  
21 commission, within 10 days after the request, the number of  
22 years of successful paid-on-call, part-time, or full-time  
23 service of any person. A candidate may not receive the full  
24 amount of preference points under this subsection if the  
25 amount of points awarded would place the candidate before a  
26 veteran on the eligibility list. If more than one candidate

1       receiving experience preference points is prevented from  
2       receiving all of their points due to not being allowed to  
3       pass a veteran, the candidates shall be placed on the list  
4       below the veteran in rank order based on the totals  
5       received if all points under this subsection were to be  
6       awarded. Any remaining ties on the list shall be determined  
7       by lot.

8       (7) Scoring of preferences. Preference points shall be  
9       awarded in the order listed in items (1) through (6). The  
10       commission shall give preference for original appointment  
11       to persons designated in items (1) through (4) and item (6)  
12       by adding to the final grade which they receive 5 points  
13       for each recognized preference achieved. Experience  
14       preference of up to 5 points shall then be added in  
15       accordance with item (5). The numerical result thus  
16       attained shall be applied by the commission in determining  
17       the final eligibility list and appointment from such  
18       eligibility list.

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 shall 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 shall make a claim in  
2 writing within 10 days after the posting of the initial  
3 eligibility list, or the claim shall be deemed waived. Final  
4 eligibility registers shall be established after the awarding  
5 of verified preference points, and appointment from the final  
6 register shall be subject to the applicant passing the  
7 qualifying standards for moral character and health. All  
8 employment shall be subject to the commission's initial hire  
9 background review including criminal history, employment  
10 history, moral character, oral examination, and medical  
11 examinations, all on a pass-fail basis. The medical  
12 examinations must be conducted last, and may only be performed  
13 after a conditional offer of employment has been extended.

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

21 The commission shall strike off the names of candidates for  
22 original appointment after the names have been on the list for  
23 more than 2 years.

24 (i) Moral character. No person shall be appointed to a fire  
25 department unless he or she is a person of good character; not  
26 a habitual drunkard, a gambler, or a person who has been

1 convicted of a felony or a crime involving moral turpitude.  
2 However, no person shall be disqualified from appointment to  
3 the fire department because of the person's record of  
4 misdemeanor convictions except those under Sections 11-6,  
5 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,  
6 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,  
7 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and subsections  
8 1, 6, and 8 of Section 24-1 of the Criminal Code of 1961 or  
9 arrest for any cause without conviction thereon. Any such  
10 person who is in the department may be removed on charges  
11 brought for violating this subsection and after a trial as  
12 hereinafter provided.

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

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



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

9       (k) A person who knowingly divulges or receives test  
10 questions or answers before a written examination, or otherwise  
11 knowingly violates or subverts any requirement of this Section,  
12 commits a violation of this Section and may be subject to  
13 charges for official misconduct.

14       A person who is the knowing recipient of test information  
15 in advance of the examination shall be disqualified from the  
16 examination or discharged from the position to which he or she  
17 was appointed, as applicable, and otherwise subjected to  
18 disciplinary actions.

19       (70 ILCS 705/16.06c new)

20       Sec. 16.06c. Alternative procedure; original appointment;  
21 full-time firefighter.

22       (a) Authority. The Joint Labor and Management Committee  
23 (JLMC), as defined in Section 50 of the Fire Department  
24 Promotion Act, may establish a community outreach program to  
25 market the profession of firefighter and firefighter-paramedic

1 so as to ensure the pool of applicants recruited is of broad  
2 diversity and the highest quality.

3 For the purposes of this Section, "firefighter" means any  
4 person who has been prior to, on, or after the effective date  
5 of this amendatory Act of the 96th General Assembly appointed  
6 to a fire department or fire protection district or employed by  
7 a State university and sworn or commissioned to perform  
8 firefighter duties or paramedic duties, or both, except that  
9 the following persons are not included: part-time  
10 firefighters; auxiliary, reserve, or voluntary firefighters,  
11 including paid-on-call firefighters; clerks and dispatchers or  
12 other civilian employees of a fire department or fire  
13 protection district who are not routinely expected to perform  
14 firefighter duties; and elected officials.

15 (b) Eligibility. Persons eligible for placement on the  
16 master register of eligibles shall consist of the following:

17 Persons who have participated in and received a passing  
18 total score on the mental aptitude, physical ability, and  
19 preference components of a regionally administered test  
20 based on the standards described in this Section. The  
21 standards for administering these tests and the minimum  
22 passing score required for placement on this list shall be  
23 as is set forth in this Section.

24 Qualified candidates shall be listed on the master  
25 register of eligibles in highest to lowest rank order based  
26 upon their test scores without regard to their date of

1 examination. Candidates listed on the master register of  
2 eligibles shall be eligible for appointment for 3 years  
3 after the date of the certification of their final score on  
4 the register without regard to the date of their  
5 examination. After 3 years, the candidate's name shall be  
6 struck from the list.

7 Any person currently employed as a full-time member of  
8 a fire department or any person who has experienced a  
9 non-voluntary (and non-disciplinary) separation from the  
10 active workforce due to a reduction in the number of  
11 departmental officers, who was appointed pursuant to  
12 Division 1 of Article 10 of the Illinois Municipal Code,  
13 Division 2.1 of Article 10 of the Illinois Municipal Code,  
14 or the Fire Protection District Act, and who during the  
15 previous 12 months participated in and received a passing  
16 score on the physical ability component of the test may  
17 request that his or her name be added to the master  
18 register. Any eligible person may be offered employment by  
19 a local commission under the same procedures as provided by  
20 this Section except that the apprenticeship period may be  
21 waived and the applicant may be immediately issued a  
22 certificate of original appointment by the local  
23 commission.

24 (c) Qualifications for placement on register of eligibles.  
25 The purpose for establishing a master register of eligibles  
26 shall be to identify applicants who possess and demonstrate the

1 mental aptitude and physical ability to perform the duties  
2 required of members of the fire department in order to provide  
3 the highest quality of service to the public. To this end, all  
4 applicants for original appointment to an affected fire  
5 department through examination conducted by the Joint Labor and  
6 Management Committee (JLMC) shall be subject to examination and  
7 testing which shall be public, competitive, and open to all  
8 applicants. Any subjective component of the testing must be  
9 administered by certified assessors. All qualifying and  
10 disqualifying factors applicable to examination processes for  
11 local commissions in this amendatory Act of the 96th General  
12 Assembly shall be applicable to persons participating in Joint  
13 Labor and Management Committee examinations unless  
14 specifically provided otherwise in this Section.

15 Notice of the time, place, general scope, and fee of every  
16 JLMC examination shall be given by the JLMC or designated  
17 testing agency, as applicable, by a publication at least 30  
18 days preceding the examination, in one or more newspapers  
19 published in the region, or if no newspaper is published  
20 therein, then in one or more newspapers with a general  
21 circulation within the region. Additional notice of the  
22 examination may be given as the JLMC shall prescribe.

23 (d) Examination and testing components for placement on  
24 register of eligibles. The examination and qualifying  
25 standards for placement on the master register of eligibles and  
26 employment shall be based on the following components: mental

1 aptitude, physical ability, preferences, moral character, and  
2 health. The mental aptitude, physical ability, and preference  
3 components shall determine an applicant's qualification for  
4 and placement on the master register of eligibles. The  
5 consideration of an applicant's general moral character and  
6 health shall be administered on a pass-fail basis after a  
7 conditional offer of employment is made by a local commission.

8 (e) Mental aptitude. Examination of an applicant's mental  
9 aptitude shall be based upon written examination and an  
10 applicant's prior experience demonstrating an aptitude for and  
11 commitment to service as a member of a fire department. Written  
12 examinations shall be practical in character and relate to  
13 those matters that fairly test the capacity of the persons  
14 examined to discharge the duties performed by members of a fire  
15 department. Written examinations shall be administered in a  
16 manner that ensures the security and accuracy of the scores  
17 achieved. Any subjective component of the testing must be  
18 administered by certified assessors. No person who does not  
19 possess a high school diploma or an equivalent high school  
20 education shall be placed on a register of eligibles. Local  
21 commissions may establish educational, emergency medical  
22 service licensure, and other pre-requisites for hire within  
23 their jurisdiction.

24 (f) Physical ability. All candidates shall be required to  
25 undergo an examination of their physical ability to perform the  
26 essential functions included in the duties they may be called

1 upon to perform as a member of a fire department. For the  
2 purposes of this Section, essential functions of the job are  
3 functions associated with duties that a firefighter may be  
4 called upon to perform in response to emergency calls. The  
5 frequency of the occurrence of those duties as part of the fire  
6 department's regular routine shall not be a controlling factor  
7 in the design of examination criteria or evolutions selected  
8 for testing. These physical examinations shall be open,  
9 competitive, and based on industry standards designed to test  
10 each applicant's physical abilities in each of the following  
11 dimensions (or a similar test designed to ensure that the  
12 successful candidates are able to perform the essential  
13 functions of a firefighter's job description):

14 (1) Muscular strength to perform tasks and evolutions  
15 that may be required in the performance of duties including  
16 grip strength, leg strength, and arm strength. Tests shall  
17 be conducted under anaerobic as well as aerobic conditions  
18 to test both the candidate's speed and endurance in  
19 performing tasks and evolutions. Tasks tested are to be  
20 based on industry standards developed by the JLMC by rule.

21 (2) The ability to climb ladders, operate from heights,  
22 walk or crawl in the dark along narrow and uneven surfaces,  
23 and operate in proximity to hazardous environments.

24 (3) The ability to carry out critical, time-sensitive,  
25 and complex problem solving during physical exertion in  
26 stressful and hazardous environments, including hot, dark,

1 tightly enclosed spaces, that is further aggravated by  
2 fatigue, flashing lights, sirens, and other distractions.

3 (g) Scoring of examination components. The examination  
4 components shall be graded on a 100-point scale. A person's  
5 position on the master register of eligibles shall be  
6 determined by the person's score on the written examination,  
7 the person successfully passing the physical ability  
8 component, and the addition of any applicable preference  
9 points.

10 Applicants who have achieved at least the mean score of all  
11 applicants participating in the written examination at the same  
12 time, and who successfully pass the physical ability  
13 examination shall be placed on the initial eligibility  
14 register. For placement on the final eligibility register, the  
15 passing score shall be determined by (i) calculating the mean  
16 score for all applicants participating in the written test; and  
17 (ii) adding 20% to the mean score. Applicants whose total  
18 scores, including any applicable preference points, are above  
19 the mean score plus 20%, shall be placed on the master register  
20 of eligibles by the JLMC.

21 These persons shall take rank upon the register as  
22 candidates in the order of their relative excellence based on  
23 the highest to the lowest total points scored on the mental  
24 aptitude and physical ability components, plus any applicable  
25 preference points requested and verified by the JLMC, or  
26 approved testing agency.

1       No more than 60 days after each examination, a revised  
2 master register of eligibles shall be posted by the JLMC  
3 showing the final grades of the candidates without reference to  
4 priority of time of examination.

5       (h) Preferences. The board shall give military, education,  
6 and experience preference points to those who qualify for  
7 placement on the master register of eligibles, on the same  
8 basis as provided for examinations administered by a local  
9 commission.

10       No person entitled to preference or credit shall be  
11 required to claim the credit before any examination held under  
12 the provisions of this Section. The preference shall be given  
13 after the posting or publication of the applicant's initial  
14 score at the request of the person before finalizing the scores  
15 from all applicants taking part in a JLMC examination.  
16 Candidates who are eligible for preference credit shall make a  
17 claim in writing within 10 days after the posting of the  
18 initial scores from any JLMC test or the claim shall be deemed  
19 waived. Once preference points are awarded, the candidates  
20 shall be certified to the master register in accordance with  
21 their final score including preference points.

22       (i) Firefighter apprentice and firefighter-paramedic  
23 apprentice. The employment of an applicant to an apprentice  
24 position (including a currently employed full-time member of a  
25 fire department whose apprenticeship may be reduced or waived)  
26 shall be subject to the applicant passing the moral character



1 standards and health examinations of the local commission. In  
2 addition, a local commission may require as a condition of  
3 employment that the applicant demonstrate current physical  
4 ability by either passing the local commission's approved  
5 physical ability examination, or by presenting proof of  
6 participating in and receiving a passing score on the physical  
7 ability component of a JLMC test within a period of up to 12  
8 months before the date of the conditional offer of employment.  
9 All offers of employment shall be subject to the local  
10 commission's initial hire background review including criminal  
11 history, employment history, moral character, oral  
12 examination, and medical examinations which may include  
13 polygraph, psychological, and drug screening components, all  
14 on a pass-fail basis. The medical examinations must be  
15 conducted last, and may only be performed after a conditional  
16 offer of employment has been extended.

17 (j) Selection from list. Any municipality or fire  
18 protection district that is a party to an intergovernmental  
19 agreement under the terms of which persons have been tested for  
20 placement on the master register of eligibles shall be entitled  
21 to offer employment to any person on the list irrespective of  
22 their ranking on the list. The offer of employment shall be to  
23 the position of firefighter apprentice or  
24 firefighter-paramedic apprentice.

25 Applicants passing these tests may be employed as a  
26 firefighter apprentice or a firefighter-paramedic apprentice

1 who shall serve an apprenticeship period of 12 months or less  
2 according to the terms and conditions of employment as the  
3 employing municipality or district offers, or as provided for  
4 under the terms of any collective bargaining agreement then in  
5 effect. The apprenticeship period is separate from the  
6 probationary period.

7 Service during the apprenticeship period shall be on a  
8 probationary basis. During the apprenticeship period, the  
9 apprentice's training and performance shall be monitored and  
10 evaluated by a Joint Apprenticeship Committee.

11 The Joint Apprenticeship Committee shall consist of 4  
12 members who shall be regular members of the fire department  
13 with at least 10 years of full-time work experience as a  
14 firefighter or firefighter-paramedic. The fire chief and the  
15 president of the exclusive bargaining representative  
16 recognized by the employer shall each appoint 2 members to the  
17 Joint Apprenticeship Committee. In the absence of an exclusive  
18 collective bargaining representative, the chief shall appoint  
19 the remaining 2 members who shall be from the ranks of company  
20 officer and firefighter with at least 10 years of work  
21 experience as a firefighter or firefighter-paramedic. In the  
22 absence of a sufficient number of qualified firefighters, the  
23 Joint Apprenticeship Committee members shall have the amount of  
24 experience and the type of qualifications as is reasonable  
25 given the circumstances of the fire department. In the absence  
26 of a full-time member in a rank between chief and the highest

1 rank in a bargaining unit, the Joint Apprenticeship Committee  
2 shall be reduced to 2 members, one to be appointed by the chief  
3 and one by the union president, if any. If there is no  
4 exclusive bargaining representative, the chief shall appoint  
5 the second member of the Joint Apprenticeship Committee from  
6 among qualified members in the ranks of company officer and  
7 below. Before the conclusion of the apprenticeship period, the  
8 Joint Apprenticeship Committee shall meet to consider the  
9 apprentice's progress and performance and vote to retain the  
10 apprentice as a member of the fire department or to terminate  
11 the apprenticeship. If 3 of the 4 members of the Joint  
12 Apprenticeship Committee affirmatively vote to retain the  
13 apprentice (if a 2 member Joint Apprenticeship Committee  
14 exists, then both members must affirmatively vote to retain the  
15 apprentice), the local commission shall issue the apprentice a  
16 certificate of original appointment to the fire department.

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

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

1           Section 99. Effective date. This Act takes effect upon  
2    becoming law.".