



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3439

by Rep. Thaddeus Jones

SYNOPSIS AS INTRODUCED:

65 ILCS 5/10-1-7.3

65 ILCS 5/10-2.1-4

70 ILCS 705/16.04b

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

Amends the Illinois Municipal Code and Fire Protection District Act. Removes a requirement that 10 years' experience must be at the fire department from which the appointment is being made if a person is appointed fire chief for more than 180 days. Provides that a person not meeting any of the 4 specified qualifications for a fire chief may be hired as fire chief for up to one year on the condition that the person obtain one of the applicable certifications within one year of appointment. Effective January 1, 2020.

LRB101 11215 AWJ 56474 b

1 AN ACT concerning local government.

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

4 Section 5. The Illinois Municipal Code is amended by
5 changing Sections 10-1-7.3 and 10-2.1-4 as follows:

6 (65 ILCS 5/10-1-7.3)

7 Sec. 10-1-7.3. Appointment of fire chief. Notwithstanding
8 any other provision in this Division and except as provided
9 below, after the effective date of this amendatory Act of the
10 101st ~~100th~~ General Assembly, a person shall not be appointed
11 as the chief, the acting chief, the department head, or a
12 position, by whatever title, that is responsible for day-to-day
13 operations of a fire department for greater than 180 days
14 unless he or she possesses the following qualifications and
15 certifications:

16 (1) Office of the State Fire Marshal Basic Operations
17 Firefighter Certification or Office of the State Fire
18 Marshal Firefighter II Certification; Office of the State
19 Fire Marshal Advanced Fire Officer Certification or Office
20 of the State Fire Marshal Fire Officer II Certification;
21 and an associate degree in fire science or a bachelor's
22 degree from an accredited university or college;

23 (2) a current certification from the International

1 Fire Service Accreditation Congress or Pro Board Fire
2 Service Professional Qualifications System that meets the
3 National Fire Protection Association standard NFPA 1001,
4 Standard for Fire Fighter Professional Qualifications,
5 Level I job performance requirements; a current
6 certification from the International Fire Service
7 Accreditation Congress or Pro Board Fire Service
8 Professional Qualifications System that meets the National
9 Fire Protection Association standard NFPA 1021, Standard
10 for Fire Officer Professional Qualifications, Fire Officer
11 II job performance requirements; and an associate degree in
12 fire science or a bachelor's degree from an accredited
13 university or college;

14 (3) qualifications that meet the National Fire
15 Protection Association standard NFPA 1001, Standard for
16 Fire Fighter Professional Qualifications, Level I job
17 performance requirements; qualifications that meet the
18 National Fire Protection Association standard NFPA 1021,
19 Standard for Fire Officer Professional Qualifications,
20 Fire Officer II job performance requirements; and an
21 associate degree in fire science or a bachelor's degree
22 from an accredited university or college; or

23 (4) a minimum of 10 years' experience as a firefighter
24 ~~at the fire department in the jurisdiction making the~~
25 ~~appointment.~~

26 A person who does not otherwise qualify to be appointed the

1 chief under this Section may be appointed up to one year on the
2 condition that the person obtain certification under paragraph
3 (1), (2), or (3) within one year of appointment.

4 This Section applies to fire departments that employ
5 firefighters hired under the provisions of this Division. This
6 Section does not apply to a municipality with more than
7 1,000,000 inhabitants.

8 On and after the effective date of this amendatory Act of
9 the 100th General Assembly, a home rule municipality may not
10 appoint a fire chief, an acting chief, a department head, or a
11 position, by whatever title, that is responsible for day-to-day
12 operations of a fire department for greater than 180 days in a
13 manner inconsistent with this Section. This Section is a
14 limitation under subsection (i) of Section 6 of Article VII of
15 the Illinois Constitution on the concurrent exercise by home
16 rule units of powers and functions exercised by the State.

17 (Source: P.A. 100-425, eff. 8-25-17; 100-1126, eff. 1-1-19.)

18 (65 ILCS 5/10-2.1-4) (from Ch. 24, par. 10-2.1-4)

19 Sec. 10-2.1-4. Fire and police departments; appointment of
20 members; certificates of appointments. The board of fire and
21 police commissioners shall appoint all officers and members of
22 the fire and police departments of the municipality, including
23 the chief of police and the chief of the fire department,
24 unless the council or board of trustees shall by ordinance as
25 to them otherwise provide; except as otherwise provided in this

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

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

16 Except as otherwise provided in this paragraph, after the
17 effective date of this amendatory Act of the 101st General
18 Assembly ~~After August 25, 2017 (the effective date of Public~~
19 ~~Act 100-425) this amendatory Act of the 100th General Assembly,~~
20 a person shall not be appointed as the chief, the acting chief,
21 the department head, or a position, by whatever title, that is
22 responsible for day-to-day operations of a fire department for
23 greater than 180 days unless he or she possesses the following
24 qualifications and certifications:

- 25 (1) Office of the State Fire Marshal Basic Operations
26 Firefighter Certification or Office of the State Fire

1 Marshal Firefighter II Certification; Office of the State
2 Fire Marshal Advanced Fire Officer Certification or Office
3 of the State Fire Marshal Fire Officer II Certification;
4 and an associate degree in fire science or a bachelor's
5 degree from an accredited university or college;

6 (2) a current certification from the International
7 Fire Service Accreditation Congress or Pro Board Fire
8 Service Professional Qualifications System that meets the
9 National Fire Protection Association standard NFPA 1001,
10 Standard for Fire Fighter Professional Qualifications,
11 Level I job performance requirements; a current
12 certification from the International Fire Service
13 Accreditation Congress or Pro Board Fire Service
14 Professional Qualifications System that meets the National
15 Fire Protection Association standard NFPA 1021, Standard
16 for Fire Officer Professional Qualifications, Fire Officer
17 II job performance requirements; and an associate degree in
18 fire science or a bachelor's degree from an accredited
19 university or college;

20 (3) qualifications that meet the National Fire
21 Protection Association standard NFPA 1001, Standard for
22 Fire Fighter Professional Qualifications, Level I job
23 performance requirements; qualifications that meet the
24 National Fire Protection Association standard NFPA 1021,
25 Standard for Fire Officer Professional Qualifications,
26 Fire Officer II job performance requirements; and an

1 associate degree in fire science or a bachelor's degree
2 from an accredited university or college; or

3 (4) a minimum of 10 years' experience as a firefighter
4 ~~at the fire department in the jurisdiction making the~~
5 ~~appointment.~~

6 A person who does not otherwise qualify to be appointed the
7 chief under this Section may be appointed up to one year on the
8 condition that the person obtain certification under item (1),
9 (2), or (3) within one year of appointment.

10 This paragraph applies to fire departments that employ
11 firefighters hired under the provisions of this Division. On
12 and after the effective date of this amendatory Act of the
13 101st 100th General Assembly, a home rule municipality may not
14 appoint a fire chief, an acting chief, a department head, or a
15 position, by whatever title, that is responsible for day-to-day
16 operations of a fire department for greater than 180 days in a
17 manner inconsistent with this paragraph. This paragraph is a
18 limitation under subsection (i) of Section 6 of Article VII of
19 the Illinois Constitution on the concurrent exercise by home
20 rule units of powers and functions exercised by the State.

21 If a member of the department is appointed chief of police
22 or chief of the fire department prior to being eligible to
23 retire on pension, he shall be considered as on furlough from
24 the rank he held immediately prior to his appointment as chief.
25 If he resigns as chief or is discharged as chief prior to
26 attaining eligibility to retire on pension, he shall revert to

1 and be established in whatever rank he currently holds, except
2 for previously appointed positions, and thereafter be entitled
3 to all the benefits and emoluments of that rank, without regard
4 as to whether a vacancy then exists in that rank.

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

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

1 of fire and police commissioners. After being selected from the
2 register of eligibles to fill a vacancy in the affected
3 department, each appointee shall be presented with his or her
4 certificate of appointment on the day on which he or she is
5 sworn in as a classified member of the affected department.
6 Firefighters who were not issued a certificate of appointment
7 when originally appointed shall be provided with a certificate
8 within 10 days after making a written request to the
9 chairperson of the Board of Fire and Police Commissioners. In
10 any municipal fire department that employs full-time
11 firefighters and is subject to a collective bargaining
12 agreement, a person who has not qualified for regular
13 appointment under the provisions of this Division 2.1 shall not
14 be used as a temporary or permanent substitute for classified
15 members of a municipality's fire department or for regular
16 appointment as a classified member of a municipality's fire
17 department unless mutually agreed to by the employee's
18 certified bargaining agent. Such agreement shall be considered
19 a permissive subject of bargaining. Municipal fire departments
20 covered by the changes made by Public Act 95-490 that are using
21 non-certificated employees as substitutes immediately prior to
22 June 1, 2008 (the effective date of Public Act 95-490) may, by
23 mutual agreement with the certified bargaining agent, continue
24 the existing practice or a modified practice and that agreement
25 shall be considered a permissive subject of bargaining. A home
26 rule unit may not regulate the hiring of temporary or

1 substitute members of the municipality's fire department in a
2 manner that is inconsistent with this Section. This Section is
3 a limitation under subsection (i) of Section 6 of Article VII
4 of the Illinois Constitution on the concurrent exercise by home
5 rule units of powers and functions exercised by the State.

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

9 Any full-time member of a regular fire or police department
10 of any municipality which comes under the provisions of this
11 Division or adopts this Division 2.1 or which has adopted any
12 of the prior Acts pertaining to fire and police commissioners,
13 is a city officer.

14 Notwithstanding any other provision of this Section, the
15 Chief of Police of a department in a non-home rule municipality
16 of more than 130,000 inhabitants may, without the advice or
17 consent of the Board of Fire and Police Commissioners, appoint
18 up to 6 officers who shall be known as deputy chiefs or
19 assistant deputy chiefs, and whose rank shall be immediately
20 below that of Chief. The deputy or assistant deputy chiefs may
21 be appointed from any rank of sworn officers of that
22 municipality, but no person who is not such a sworn officer may
23 be so appointed. Such deputy chief or assistant deputy chief
24 shall have the authority to direct and issue orders to all
25 employees of the Department holding the rank of captain or any
26 lower rank. A deputy chief of police or assistant deputy chief

1 of police, having been appointed from any rank of sworn
2 officers of that municipality, shall be permitted, regardless
3 of rank, to take promotional exams and be promoted to a higher
4 classified rank than he currently holds, without having to
5 resign as deputy chief of police or assistant deputy chief of
6 police.

7 Notwithstanding any other provision of this Section, a
8 non-home rule municipality of 130,000 or fewer inhabitants,
9 through its council or board of trustees, may, by ordinance,
10 provide for a position of deputy chief to be appointed by the
11 chief of the police department. The ordinance shall provide for
12 no more than one deputy chief position if the police department
13 has fewer than 25 full-time police officers and for no more
14 than 2 deputy chief positions if the police department has 25
15 or more full-time police officers. The deputy chief position
16 shall be an exempt rank immediately below that of Chief. The
17 deputy chief may be appointed from any rank of sworn, full-time
18 officers of the municipality's police department, but must have
19 at least 5 years of full-time service as a police officer in
20 that department. A deputy chief shall serve at the discretion
21 of the Chief and, if removed from the position, shall revert to
22 the rank currently held, without regard as to whether a vacancy
23 exists in that rank. A deputy chief of police, having been
24 appointed from any rank of sworn full-time officers of that
25 municipality's police department, shall be permitted,
26 regardless of rank, to take promotional exams and be promoted

1 to a higher classified rank than he currently holds, without
2 having to resign as deputy chief of police.

3 No municipality having a population less than 1,000,000
4 shall require that any firefighter appointed to the lowest rank
5 serve a probationary employment period of longer than one year.
6 The limitation on periods of probationary employment provided
7 in Public Act 86-990 is an exclusive power and function of the
8 State. Pursuant to subsection (h) of Section 6 of Article VII
9 of the Illinois Constitution, a home rule municipality having a
10 population less than 1,000,000 must comply with this limitation
11 on periods of probationary employment, which is a denial and
12 limitation of home rule powers. Notwithstanding anything to the
13 contrary in this Section, the probationary employment period
14 limitation may be extended for a firefighter who is required,
15 as a condition of employment, to be a licensed paramedic,
16 during which time the sole reason that a firefighter may be
17 discharged without a hearing is for failing to meet the
18 requirements for paramedic licensure.

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

22 (Source: P.A. 100-252, eff. 8-22-17; 100-425, eff. 8-25-17;
23 100-863, eff, 8-14-18; 100-1126, eff. 1-1-19; revised
24 12-19-18.)

25 Section 10. The Fire Protection District Act is amended by

1 changing Section 16.04b as follows:

2 (70 ILCS 705/16.04b)

3 Sec. 16.04b. Appointment of fire chief. Notwithstanding
4 any other provision in this Act and except as provided below,
5 after the effective date of this amendatory Act of the 101st
6 ~~100th~~ General Assembly, a person shall not be appointed as the
7 chief, the acting chief, the department head, or a position, by
8 whatever title, that is responsible for day-to-day operations
9 of a fire protection district for greater than 180 days unless
10 he or she possesses the following qualifications and
11 certifications:

12 (1) Office of the State Fire Marshal Basic Operations
13 Firefighter Certification or Office of the State Fire
14 Marshal Firefighter II Certification; Office of the State
15 Fire Marshal Advanced Fire Officer Certification or Office
16 of the State Fire Marshal Fire Officer II Certification;
17 and an associate degree in fire science or a bachelor's
18 degree from an accredited university or college;

19 (2) a current certification from the International
20 Fire Service Accreditation Congress or Pro Board Fire
21 Service Professional Qualifications System that meets the
22 National Fire Protection Association standard NFPA 1001,
23 Standard for Fire Fighter Professional Qualifications,
24 Level I job performance requirements; a current
25 certification from the International Fire Service

1 Accreditation Congress or Pro Board Fire Service
2 Professional Qualifications System that meets the National
3 Fire Protection Association standard NFPA 1021, Standard
4 for Fire Officer Professional Qualifications, Fire Officer
5 II job performance requirements; and an associate degree in
6 fire science or a bachelor's degree from an accredited
7 university or college;

8 (3) qualifications that meet the National Fire
9 Protection Association standard NFPA 1001, Standard for
10 Fire Fighter Professional Qualifications, Level I job
11 performance requirements; qualifications that meet the
12 National Fire Protection Association standard NFPA 1021,
13 Standard for Fire Officer Professional Qualifications,
14 Fire Officer II job performance requirements; and an
15 associate degree in fire science or a bachelor's degree
16 from an accredited university or college; or

17 (4) a minimum of 10 years' experience as a firefighter
18 ~~in the fire protection district of the jurisdiction making~~
19 ~~the appointment.~~

20 A person who does not otherwise qualify to be appointed the
21 chief under this Section may be appointed up to one year on the
22 condition that the person obtain certification under paragraph
23 (1), (2), or (3) within one year of appointment.

24 This Section applies to fire protection districts that
25 employ firefighters hired under the provisions of this Act.

26 (Source: P.A. 100-425, eff. 8-25-17; 100-1126, eff. 1-1-19.)

1 Section 99. Effective date. This Act takes effect January
2 1, 2020.