



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB0616

by Rep. Anna Moeller

#### SYNOPSIS AS INTRODUCED:

65 ILCS 5/10-1-7.1	
65 ILCS 5/10-2.1-4	from Ch. 24, par. 10-2.1-4
65 ILCS 5/10-2.1-6.3	
70 ILCS 705/16.04a	from Ch. 127 1/2, par. 37.04a
70 ILCS 705/16.06b	

Amends the Illinois Municipal Code and Fire Protection District Act. Provides that after a firefighter is selected from the register of eligibles to fill a vacancy in a fire department or fire protection district, each appointee shall be presented with his or her certificate of appointment on the day on which he or she is sworn in as a classified member of the affected department or district. Provides that firefighters who were not issued a certificate of appointment when originally appointed may make a written request to receive one. Effective immediately.

LRB100 06097 AWJ 16129 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 10-1-7.1, 10-2.1-4, and 10-2.1-6.3 as  
6 follows:

7 (65 ILCS 5/10-1-7.1)

8 Sec. 10-1-7.1. Original appointments; full-time fire  
9 department.

10 (a) Applicability. Unless a commission elects to follow the  
11 provisions of Section 10-1-7.2, this Section shall apply to all  
12 original appointments to an affected full-time fire  
13 department. Existing registers of eligibles shall continue to  
14 be valid until their expiration dates, or up to a maximum of 2  
15 years after the effective date of this amendatory Act of the  
16 97th General Assembly.

17 Notwithstanding any statute, ordinance, rule, or other law  
18 to the contrary, all original appointments to an affected  
19 department to which this Section applies shall be administered  
20 in the manner provided for in this Section. Provisions of the  
21 Illinois Municipal Code, municipal ordinances, and rules  
22 adopted pursuant to such authority and other laws relating to  
23 initial hiring of firefighters in affected departments shall

1 continue to apply to the extent they are compatible with this  
2 Section, but in the event of a conflict between this Section  
3 and any other law, this Section shall control.

4 A home rule or non-home rule municipality may not  
5 administer its fire department process for original  
6 appointments in a manner that is less stringent than this  
7 Section. This Section is a limitation under subsection (i) of  
8 Section 6 of Article VII of the Illinois Constitution on the  
9 concurrent exercise by home rule units of the powers and  
10 functions exercised by the State.

11 A municipality that is operating under a court order or  
12 consent decree regarding original appointments to a full-time  
13 fire department before the effective date of this amendatory  
14 Act of the 97th General Assembly is exempt from the  
15 requirements of this Section for the duration of the court  
16 order or consent decree.

17 Notwithstanding any other provision of this subsection  
18 (a), this Section does not apply to a municipality with more  
19 than 1,000,000 inhabitants.

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. If the appointing authority has reason to conclude that  
9 the highest ranked person fails to meet the minimum standards  
10 for the position or if the appointing authority believes an  
11 alternate candidate would better serve the needs of the  
12 department, then the appointing authority has the right to pass  
13 over the highest ranked person and appoint either: (i) any  
14 person who has a ranking in the top 5% of the register of  
15 eligibles or (ii) any person who is among the top 5 highest  
16 ranked persons on the list of eligibles if the number of people  
17 who have a ranking in the top 5% of the register of eligibles  
18 is less than 5 people.

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

1           The sole authority to issue certificates of appointment  
2 shall be vested in the Civil Service Commission. All  
3 certificates of appointment issued to any officer or member of  
4 an affected department shall be signed by the chairperson and  
5 secretary, respectively, of the commission upon appointment of  
6 such officer or member to the affected department by the  
7 commission. After being selected from the register of eligibles  
8 to fill a vacancy in the affected department, each appointee  
9 shall be presented with his or her certificate of appointment  
10 on the day on which he or she is sworn in as a classified member  
11 of the affected department. Firefighters who were not issued a  
12 certificate of appointment when originally appointed shall be  
13 provided with a certificate within 10 days after making a  
14 written request to the chairperson of the Civil Service  
15 Commission. Each person who accepts a certificate of  
16 appointment and successfully completes his or her probationary  
17 period shall be enrolled as a firefighter and as a regular  
18 member of the fire department.

19           For the purposes of this Section, "firefighter" means any  
20 person who has been prior to, on, or after the effective date  
21 of this amendatory Act of the 97th General Assembly appointed  
22 to a fire department or fire protection district or employed by  
23 a State university and sworn or commissioned to perform  
24 firefighter duties or paramedic duties, or both, except that  
25 the following persons are not included: part-time  
26 firefighters; auxiliary, reserve, or voluntary firefighters,

1 including paid-on-call firefighters; clerks and dispatchers or  
2 other civilian employees of a fire department or fire  
3 protection district who are not routinely expected to perform  
4 firefighter duties; and elected officials.

5 (c) Qualification for placement on register of eligibles.  
6 The purpose of establishing a register of eligibles is to  
7 identify applicants who possess and demonstrate the mental  
8 aptitude and physical ability to perform the duties required of  
9 members of the fire department in order to provide the highest  
10 quality of service to the public. To this end, all applicants  
11 for original appointment to an affected fire department shall  
12 be subject to examination and testing which shall be public,  
13 competitive, and open to all applicants unless the municipality  
14 shall by ordinance limit applicants to residents of the  
15 municipality, county or counties in which the municipality is  
16 located, State, or nation. Any examination and testing  
17 procedure utilized under subsection (e) of this Section shall  
18 be supported by appropriate validation evidence and shall  
19 comply with all applicable State and federal laws.  
20 Municipalities may establish educational, emergency medical  
21 service licensure, and other pre-requisites for participation  
22 in an examination or for hire as a firefighter. Any  
23 municipality may charge a fee to cover the costs of the  
24 application process.

25 Residency requirements in effect at the time an individual  
26 enters the fire service of a municipality cannot be made more

1 restrictive for that individual during his or her period of  
2 service for that municipality, or be made a condition of  
3 promotion, except for the rank or position of fire chief and  
4 for no more than 2 positions that rank immediately below that  
5 of the chief rank which are appointed positions pursuant to the  
6 Fire Department Promotion Act.

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

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

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

26 (3) any person who turned 35 while serving as a member

1 of the active or reserve components of any of the branches  
2 of the Armed Forces of the United States or the National  
3 Guard of any state, whose service was characterized as  
4 honorable or under honorable, if separated from the  
5 military, and is currently under the age of 40.

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

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

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

24 In the event that any applicant who has been found eligible  
25 for appointment and whose name has been placed upon the final  
26 eligibility register provided for in this Division 1 has not



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

16 (d) Notice, examination, and testing components. Notice of  
17 the time, place, general scope, merit criteria for any  
18 subjective component, and fee of every examination shall be  
19 given by the commission, by a publication at least 2 weeks  
20 preceding the examination: (i) in one or more newspapers  
21 published in the municipality, or if no newspaper is published  
22 therein, then in one or more newspapers with a general  
23 circulation within the municipality, or (ii) on the  
24 municipality's Internet website. 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 based on merit criteria as determined by  
7 the commission. Scores from the examination must be made  
8 available to the public.

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

19 (f) Physical ability. All candidates shall be required to  
20 undergo an examination of their physical ability to perform the  
21 essential functions included in the duties they may be called  
22 upon to perform as a member of a fire department. For the  
23 purposes of this Section, essential functions of the job are  
24 functions associated with duties that a firefighter may be  
25 called upon to perform in response to emergency calls. The  
26 frequency of the occurrence of those duties as part of the fire

1 department's regular routine shall not be a controlling factor  
2 in the design of examination criteria or evolutions selected  
3 for testing. These physical examinations shall be open,  
4 competitive, and based on industry standards designed to test  
5 each applicant's physical abilities in the following  
6 dimensions:

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

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

18 (3) The ability to carry out critical, time-sensitive,  
19 and complex problem solving during physical exertion in  
20 stressful and hazardous environments. The testing  
21 environment may be hot and dark with tightly enclosed  
22 spaces, flashing lights, sirens, and other distractions.

23 The tests utilized to measure each applicant's  
24 capabilities in each of these dimensions may be tests based on  
25 industry standards currently in use or equivalent tests  
26 approved by the Joint Labor-Management Committee of the Office

1 of the State Fire Marshal.

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

6 (g) Scoring of examination components. Appointing  
7 authorities may create a preliminary eligibility register. A  
8 person shall be placed on the list based upon his or her  
9 passage of the written examination or the passage of the  
10 written examination and the physical ability component.  
11 Passage of the written examination means attaining the minimum  
12 score set by the commission. Minimum scores should be set by  
13 the commission so as to demonstrate a candidate's ability to  
14 perform the essential functions of the job. The minimum score  
15 set by the commission shall be supported by appropriate  
16 validation evidence and shall comply with all applicable State  
17 and federal laws. The appointing authority may conduct the  
18 physical ability component and any subjective components  
19 subsequent to the posting of the preliminary eligibility  
20 register.

21 The examination components for an initial eligibility  
22 register shall be graded on a 100-point scale. A person's  
23 position on the list shall be determined by the following: (i)  
24 the person's score on the written examination, (ii) the person  
25 successfully passing the physical ability component, and (iii)  
26 the person's results on any subjective component as described

1 in subsection (d).

2 In order to qualify for placement on the final eligibility  
3 register, an applicant's score on the written examination,  
4 before any applicable preference points or subjective points  
5 are applied, shall be at or above the minimum score set by the  
6 commission. The local appointing authority may prescribe the  
7 score to qualify for placement on the final eligibility  
8 register, but the score shall not be less than the minimum  
9 score set by the commission.

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

22 Commissions may conduct additional examinations, including  
23 without limitation a polygraph test, after a final eligibility  
24 register is established and before it expires with the  
25 candidates ranked by total score without regard to date of  
26 examination. No more than 60 days after each examination, an

1 initial eligibility list shall be posted by the commission  
2 showing the final grades of the candidates without reference to  
3 priority of time of examination and subject to claim for  
4 preference credit.

5 (h) Preferences. The following are preferences:

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

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

21 (3) Educational preference. Persons who have  
22 successfully obtained an associate's degree in the field of  
23 fire service or emergency medical services, or a bachelor's  
24 degree from an accredited college or university may be  
25 preferred for appointment to and employment with the fire  
26 department.

1           (4) Paramedic preference. Persons who have obtained a  
2 license as a paramedic may be preferred for appointment to  
3 and employment with the fire department of an affected  
4 department providing emergency medical services.

5           (5) Experience preference. All persons employed by a  
6 municipality who have been paid-on-call or part-time  
7 certified Firefighter II, certified Firefighter III, State  
8 of Illinois or nationally licensed EMT, EMT-I, A-EMT, or  
9 paramedic, or any combination of those capacities may be  
10 awarded up to a maximum of 5 points. However, the applicant  
11 may not be awarded more than 0.5 points for each complete  
12 year of paid-on-call or part-time service. Applicants from  
13 outside the municipality who were employed as full-time  
14 firefighters or firefighter-paramedics by a fire  
15 protection district or another municipality may be awarded  
16 up to 5 experience preference points. However, the  
17 applicant may not be awarded more than one point for each  
18 complete year of full-time service.

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

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

10 (6) Residency preference. Applicants whose principal  
11 residence is located within the fire department's  
12 jurisdiction may be preferred for appointment to and  
13 employment with the fire department.

14 (7) Additional preferences. Up to 5 additional  
15 preference points may be awarded for unique categories  
16 based on an applicant's experience or background as  
17 identified by the commission.

18 (8) Scoring of preferences. The commission shall give  
19 preference for original appointment to persons designated  
20 in item (1) by adding to the final grade that they receive  
21 5 points for the recognized preference achieved. The  
22 commission shall determine the number of preference points  
23 for each category except (1). The number of preference  
24 points for each category shall range from 0 to 5. In  
25 determining the number of preference points, the  
26 commission shall prescribe that if a candidate earns the



1 maximum number of preference points in all categories, that  
2 number may not be less than 10 nor more than 30. The  
3 commission shall give preference for original appointment  
4 to persons designated in items (2) through (7) by adding  
5 the requisite number of points to the final grade for each  
6 recognized preference achieved. The numerical result thus  
7 attained shall be applied by the commission in determining  
8 the final eligibility list and appointment from the  
9 eligibility list. The local appointing authority may  
10 prescribe the total number of preference points awarded  
11 under this Section, but the total number of preference  
12 points shall not be less than 10 points or more than 30  
13 points.

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

1 to the commission's initial hire background review including,  
2 but not limited to, criminal history, employment history, moral  
3 character, oral examination, and medical and psychological  
4 examinations, all on a pass-fail basis. The medical and  
5 psychological examinations must be conducted last, and may only  
6 be performed after a conditional offer of employment has been  
7 extended.

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

15 The commission shall strike off the names of candidates for  
16 original appointment after the names have been on the list for  
17 more than 2 years.

18 (i) Moral character. No person shall be appointed to a fire  
19 department unless he or she is a person of good character; not  
20 a habitual drunkard, a gambler, or a person who has been  
21 convicted of a felony or a crime involving moral turpitude.  
22 However, no person shall be disqualified from appointment to  
23 the fire department because of the person's record of  
24 misdemeanor convictions except those under Sections 11-6,  
25 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,  
26 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,

1 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and subsections  
2 1, 6, and 8 of Section 24-1 of the Criminal Code of 1961 or the  
3 Criminal Code of 2012, or arrest for any cause without  
4 conviction thereon. Any such person who is in the department  
5 may be removed on charges brought for violating this subsection  
6 and after a trial as hereinafter provided.

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

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

21 (j) Temporary appointments. In order to prevent a stoppage  
22 of public business, to meet extraordinary exigencies, or to  
23 prevent material impairment of the fire department, the  
24 commission may make temporary appointments, to remain in force  
25 only until regular appointments are made under the provisions  
26 of this Division, but never to exceed 60 days. No temporary

1 appointment of any one person shall be made more than twice in  
2 any calendar year.

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

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

13 (Source: P.A. 98-760, eff. 7-16-14; 98-973, eff. 8-15-14;  
14 99-78, eff. 7-20-15; 99-379, eff. 8-17-15.)

15 (65 ILCS 5/10-2.1-4) (from Ch. 24, par. 10-2.1-4)

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

18 The board of fire and police commissioners shall appoint  
19 all officers and members of the fire and police departments of  
20 the municipality, including the chief of police and the chief  
21 of the fire department, unless the council or board of trustees  
22 shall by ordinance as to them otherwise provide; except as  
23 otherwise provided in this Section, and except that in any  
24 municipality which adopts or has adopted this Division 2.1 and  
25 also adopts or has adopted Article 5 of this Code, the chief of

1 police and the chief of the fire department shall be appointed  
2 by the municipal manager, if it is provided by ordinance in  
3 such municipality that such chiefs, or either of them, shall  
4 not be appointed by the board of fire and police commissioners.

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

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

23 All appointments to each department other than that of the  
24 lowest rank, however, shall be from the rank next below that to  
25 which the appointment is made except as otherwise provided in  
26 this Section, and except that the chief of police and the chief

1 of the fire department may be appointed from among members of  
2 the police and fire departments, respectively, regardless of  
3 rank, unless the council or board of trustees shall have by  
4 ordinance as to them otherwise provided. A chief of police or  
5 the chief of the fire department, having been appointed from  
6 among members of the police or fire department, respectively,  
7 shall be permitted, regardless of rank, to take promotional  
8 exams and be promoted to a higher classified rank than he  
9 currently holds, without having to resign as chief of police or  
10 chief of the fire department.

11 The sole authority to issue certificates of appointment  
12 shall be vested in the Board of Fire and Police Commissioners  
13 and all certificates of appointments issued to any officer or  
14 member of the fire or police department of a municipality shall  
15 be signed by the chairman and secretary respectively of the  
16 board of fire and police commissioners of such municipality,  
17 upon appointment of such officer or member of the fire and  
18 police department of such municipality by action of the board  
19 of fire and police commissioners. After being selected from the  
20 register of eligibles to fill a vacancy in the affected  
21 department, each appointee shall be presented with his or her  
22 certificate of appointment on the day on which he or she is  
23 sworn in as a classified member of the affected department.  
24 Firefighters who were not issued a certificate of appointment  
25 when originally appointed shall be provided with a certificate  
26 within 10 days after making a written request to the

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

25 The term "policemen" as used in this Division does not  
26 include auxiliary police officers except as provided for in

1 Section 10-2.1-6.

2 Any full time member of a regular fire or police department  
3 of any municipality which comes under the provisions of this  
4 Division or adopts this Division 2.1 or which has adopted any  
5 of the prior Acts pertaining to fire and police commissioners,  
6 is a city officer.

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

26 Notwithstanding any other provision of this Section, a



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

22 No municipality having a population less than 1,000,000  
23 shall require that any firefighter appointed to the lowest rank  
24 serve a probationary employment period of longer than one year.  
25 The limitation on periods of probationary employment provided  
26 in this amendatory Act of 1989 is an exclusive power and

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

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

16 (Source: P.A. 97-251, eff. 8-4-11; 97-813, eff. 7-13-12;  
17 98-973, eff. 8-15-14.)

18 (65 ILCS 5/10-2.1-6.3)

19 Sec. 10-2.1-6.3. Original appointments; full-time fire  
20 department.

21 (a) Applicability. Unless a commission elects to follow the  
22 provisions of Section 10-2.1-6.4, this Section shall apply to  
23 all 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 97th 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 less stringent than 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 A municipality that is operating under a court order or  
21 consent decree regarding original appointments to a full-time  
22 fire department before the effective date of this amendatory  
23 Act of the 97th General Assembly is exempt from the  
24 requirements of this Section for the duration of the court  
25 order or consent decree.

26 Notwithstanding any other provision of this subsection

1 (a), this Section does not apply to a municipality with more  
2 than 1,000,000 inhabitants.

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

10 Whenever an appointing authority authorizes action to hire  
11 a person to perform the duties of a firefighter or to hire a  
12 firefighter-paramedic to fill a position that is a new position  
13 or vacancy due to resignation, discharge, promotion, death, the  
14 granting of a disability or retirement pension, or any other  
15 cause, the appointing authority shall appoint to that position  
16 the person with the highest ranking on the final eligibility  
17 list. If the appointing authority has reason to conclude that  
18 the highest ranked person fails to meet the minimum standards  
19 for the position or if the appointing authority believes an  
20 alternate candidate would better serve the needs of the  
21 department, then the appointing authority has the right to pass  
22 over the highest ranked person and appoint either: (i) any  
23 person who has a ranking in the top 5% of the register of  
24 eligibles or (ii) any person who is among the top 5 highest  
25 ranked persons on the list of eligibles if the number of people  
26 who have a ranking in the top 5% of the register of eligibles

1 is less than 5 people.

2 Any candidate may pass on an appointment once without  
3 losing his or her position on the register of eligibles. Any  
4 candidate who passes a second time may be removed from the list  
5 by the appointing authority provided that such action shall not  
6 prejudice a person's opportunities to participate in future  
7 examinations, including an examination held during the time a  
8 candidate is already on the municipality's register of  
9 eligibles.

10 The sole authority to issue certificates of appointment  
11 shall be vested in the board of fire and police commissioners.  
12 All certificates of appointment issued to any officer or member  
13 of an affected department shall be signed by the chairperson  
14 and secretary, respectively, of the board upon appointment of  
15 such officer or member to the affected department by action of  
16 the board. After being selected from the register of eligibles  
17 to fill a vacancy in the affected department, each appointee  
18 shall be presented with his or her certificate of appointment  
19 on the day on which he or she is sworn in as a classified member  
20 of the affected department. Firefighters who were not issued a  
21 certificate of appointment when originally appointed shall be  
22 provided with a certificate within 10 days after making a  
23 written request to the chairperson of the board of fire and  
24 police commissioners. Each person who accepts a certificate of  
25 appointment and successfully completes his or her probationary  
26 period shall be enrolled as a firefighter and as a regular

1 member of the fire department.

2 For the purposes of this Section, "firefighter" means any  
3 person who has been prior to, on, or after the effective date  
4 of this amendatory Act of the 97th General Assembly appointed  
5 to a fire department or fire protection district or employed by  
6 a State university and sworn or commissioned to perform  
7 firefighter duties or paramedic duties, or both, except that  
8 the following persons are not included: part-time  
9 firefighters; auxiliary, reserve, or voluntary firefighters,  
10 including paid-on-call firefighters; clerks and dispatchers or  
11 other civilian employees of a fire department or fire  
12 protection district who are not routinely expected to perform  
13 firefighter duties; and elected officials.

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

1 be supported by appropriate validation evidence and shall  
2 comply with all applicable State and federal laws.  
3 Municipalities may establish educational, emergency medical  
4 service licensure, and other pre-requisites for participation  
5 in an examination or for hire as a firefighter. Any  
6 municipality may charge a fee to cover the costs of the  
7 application process.

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

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

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

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

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

9 (3) any person who turned 35 while serving as a member  
10 of the active or reserve components of any of the branches  
11 of the Armed Forces of the United States or the National  
12 Guard of any state, whose service was characterized as  
13 honorable or under honorable, if separated from the  
14 military, and is currently under the age of 40.

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

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

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



1 the probationary employment period limitation may be extended  
2 for a firefighter who is required, as a condition of  
3 employment, to be a licensed paramedic, during which time the  
4 sole reason that a firefighter may be discharged without a  
5 hearing is for failing to meet the requirements for paramedic  
6 licensure.

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 may be retained upon the register of  
18 candidates eligible for appointment and when next reached for  
19 certification and appointment that applicant may 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, merit criteria for any

1 subjective component, and fee of every examination shall be  
2 given by the commission, by a publication at least 2 weeks  
3 preceding the examination: (i) in one or more newspapers  
4 published in the municipality, or if no newspaper is published  
5 therein, then in one or more newspapers with a general  
6 circulation within the municipality, or (ii) on the  
7 municipality's Internet website. Additional notice of the  
8 examination may be given as the commission shall prescribe.

9 The examination and qualifying standards for employment of  
10 firefighters shall be based on: mental aptitude, physical  
11 ability, preferences, moral character, and health. The mental  
12 aptitude, physical ability, and preference components shall  
13 determine an applicant's qualification for and placement on the  
14 final register of eligibles. The examination may also include a  
15 subjective component based on merit criteria as determined by  
16 the commission. Scores from the examination must be made  
17 available to the public.

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

1 accuracy of the scores achieved.

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

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

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

1           (3) The ability to carry out critical, time-sensitive,  
2           and complex problem solving during physical exertion in  
3           stressful and hazardous environments. The testing  
4           environment may be hot and dark with tightly enclosed  
5           spaces, flashing lights, sirens, and other distractions.

6           The tests utilized to measure each applicant's  
7           capabilities in each of these dimensions may be tests based on  
8           industry standards currently in use or equivalent tests  
9           approved by the Joint Labor-Management Committee of the Office  
10          of the State Fire Marshal.

11          Physical ability examinations administered under this  
12          Section shall be conducted with a reasonable number of proctors  
13          and monitors, open to the public, and subject to reasonable  
14          regulations of the commission.

15          (g) Scoring of examination components. Appointing  
16          authorities may create a preliminary eligibility register. A  
17          person shall be placed on the list based upon his or her  
18          passage of the written examination or the passage of the  
19          written examination and the physical ability component.  
20          Passage of the written examination means attaining the minimum  
21          score set by the commission. Minimum scores should be set by  
22          the commission so as to demonstrate a candidate's ability to  
23          perform the essential functions of the job. The minimum score  
24          set by the commission shall be supported by appropriate  
25          validation evidence and shall comply with all applicable State  
26          and federal laws. The appointing authority may conduct the

1 physical ability component and any subjective components  
2 subsequent to the posting of the preliminary eligibility  
3 register.

4 The examination components for an initial eligibility  
5 register shall be graded on a 100-point scale. A person's  
6 position on the list shall be determined by the following: (i)  
7 the person's score on the written examination, (ii) the person  
8 successfully passing the physical ability component, and (iii)  
9 the person's results on any subjective component as described  
10 in subsection (d).

11 In order to qualify for placement on the final eligibility  
12 register, an applicant's score on the written examination,  
13 before any applicable preference points or subjective points  
14 are applied, shall be at or above the minimum score as set by  
15 the commission. The local appointing authority may prescribe  
16 the score to qualify for placement on the final eligibility  
17 register, but the score shall not be less than the minimum  
18 score set by the commission.

19 The commission shall prepare and keep a register of persons  
20 whose total score is not less than the minimum score for  
21 passage and who have passed the physical ability examination.  
22 These persons shall take rank upon the register as candidates  
23 in the order of their relative excellence based on the highest  
24 to the lowest total points scored on the mental aptitude,  
25 subjective component, and preference components of the test  
26 administered in accordance with this Section. No more than 60

1 days after each examination, an initial eligibility list shall  
2 be posted by the commission. The list shall include the final  
3 grades of the candidates without reference to priority of the  
4 time of examination and subject to claim for preference credit.

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

14 (h) Preferences. The following are preferences:

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

23 (2) Fire cadet preference. Persons who have  
24 successfully completed 2 years of study in fire techniques  
25 or cadet training within a cadet program established under  
26 the rules of the Joint Labor and Management Committee

1 (JLMC), as defined in Section 50 of the Fire Department  
2 Promotion Act, may be preferred for appointment to and  
3 employment with the fire department.

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

10 (4) Paramedic preference. Persons who have obtained a  
11 license as a paramedic shall be preferred for appointment  
12 to and employment with the fire department of an affected  
13 department providing emergency medical services.

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

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

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

25 (6) Residency preference. Applicants whose principal  
26 residence is located within the fire department's



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

3 (7) Additional preferences. Up to 5 additional  
4 preference points may be awarded for unique categories  
5 based on an applicant's experience or background as  
6 identified by the commission.

7 (8) Scoring of preferences. The commission shall give  
8 preference for original appointment to persons designated  
9 in item (1) by adding to the final grade that they receive  
10 5 points for the recognized preference achieved. The  
11 commission shall determine the number of preference points  
12 for each category except (1). The number of preference  
13 points for each category shall range from 0 to 5. In  
14 determining the number of preference points, the  
15 commission shall prescribe that if a candidate earns the  
16 maximum number of preference points in all categories, that  
17 number may not be less than 10 nor more than 30. The  
18 commission shall give preference for original appointment  
19 to persons designated in items (2) through (7) by adding  
20 the requisite number of points to the final grade for each  
21 recognized preference achieved. The numerical result thus  
22 attained shall be applied by the commission in determining  
23 the final eligibility list and appointment from the  
24 eligibility list. The local appointing authority may  
25 prescribe the total number of preference points awarded  
26 under this Section, but the total number of preference

1 points shall not be less than 10 points or more than 30  
2 points.

3 No person entitled to any preference shall be required to  
4 claim the credit before any examination held under the  
5 provisions of this Section, but the preference shall be given  
6 after the posting or publication of the initial eligibility  
7 list or register at the request of a person entitled to a  
8 credit before any certification or appointments are made from  
9 the eligibility register, upon the furnishing of verifiable  
10 evidence and proof of qualifying preference credit. Candidates  
11 who are eligible for preference credit shall make a claim in  
12 writing within 10 days after the posting of the initial  
13 eligibility list, or the claim shall be deemed waived. Final  
14 eligibility registers shall be established after the awarding  
15 of verified preference points. All employment shall be subject  
16 to the commission's initial hire background review including,  
17 but not limited to, criminal history, employment history, moral  
18 character, oral examination, and medical and psychological  
19 examinations, all on a pass-fail basis. The medical and  
20 psychological examinations must be conducted last, and may only  
21 be performed after a conditional offer of employment has been  
22 extended.

23 Any person placed on an eligibility list who exceeds the  
24 age requirement before being appointed to a fire department  
25 shall remain eligible for appointment until the list is  
26 abolished, or his or her name has been on the list for a period

1 of 2 years. No person who has attained the age of 35 years  
2 shall be inducted into a fire department, except as otherwise  
3 provided in this Section.

4 The commission shall strike off the names of candidates for  
5 original appointment after the names have been on the list for  
6 more than 2 years.

7 (i) Moral character. No person shall be appointed to a fire  
8 department unless he or she is a person of good character; not  
9 a habitual drunkard, a gambler, or a person who has been  
10 convicted of a felony or a crime involving moral turpitude.  
11 However, no person shall be disqualified from appointment to  
12 the fire department because of the person's record of  
13 misdemeanor convictions except those under Sections 11-6,  
14 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,  
15 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,  
16 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and subsections  
17 1, 6, and 8 of Section 24-1 of the Criminal Code of 1961 or the  
18 Criminal Code of 2012, or arrest for any cause without  
19 conviction thereon. Any such person who is in the department  
20 may be removed on charges brought for violating this subsection  
21 and after a trial as hereinafter provided.

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

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

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

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

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

1 disciplinary actions.

2 (Source: P.A. 98-760, eff. 7-16-14; 98-973, eff. 8-15-14;  
3 99-78, eff. 7-20-15; 99-379, eff. 8-17-15.)

4 Section 10. The Fire Protection District Act is amended by  
5 changing Sections 16.04a and 16.06b as follows:

6 (70 ILCS 705/16.04a) (from Ch. 127 1/2, par. 37.04a)

7 Sec. 16.04a. The board of fire commissioners shall appoint  
8 all officers and members of the fire departments of the  
9 district, except the Chief of the fire department. The board of  
10 trustees shall appoint the Chief of the fire department, who  
11 shall serve at the pleasure of the board, and may enter into a  
12 multi-year contract not exceeding 3 years with the Chief.

13 If a member of the department is appointed Chief of the  
14 fire department prior to being eligible to retire on pension he  
15 shall be considered as on furlough from the rank he held  
16 immediately prior to his appointment as Chief. If he resigns as  
17 Chief or is discharged as Chief prior to attaining eligibility  
18 to retire on pension, he shall revert to and be established in  
19 such prior rank, and thereafter be entitled to all the benefits  
20 and emoluments of such prior rank, without regard as to whether  
21 a vacancy then exists in such rank. In such instances, the  
22 Chief shall be deemed to have continued to accrue seniority in  
23 the department during his period of service as Chief, or time  
24 in grade in his former rank to which he shall revert during his

1 period of service as Chief, except solely for purposes of any  
2 layoff as provided in Section 16.13b hereafter.

3 All appointments to each department other than that of the  
4 lowest rank, however, shall be from the rank next below that to  
5 which the appointment is made, except that the Chief of the  
6 fire department may be appointed from among members of the fire  
7 department, regardless of rank.

8 The sole authority to issue certificates of appointment  
9 shall be vested in the board of fire commissioners and all  
10 certificates of appointments issued to any officer or member of  
11 the fire department shall be signed by the chairman and  
12 secretary respectively of the board of fire commissioners upon  
13 appointment of such officer or member of the fire department by  
14 action of the board of fire commissioners. After being selected  
15 from the register of eligibles to fill a vacancy in the  
16 affected department, each appointee shall be presented with his  
17 or her certificate of appointment on the day on which he or she  
18 is sworn in as a classified member of the affected department.  
19 Firefighters who were not issued a certificate of appointment  
20 when originally appointed shall be provided with a certificate  
21 within 10 days after making a written request to the  
22 chairperson of the board of fire commissioners.

23 To the extent that this Section or any other Section in  
24 this Act conflicts with Section 16.06b or 16.06c, then Section  
25 16.06b or 16.06c shall control.

26 (Source: P.A. 97-251, eff. 8-4-11.)

1 (70 ILCS 705/16.06b)

2 Sec. 16.06b. Original appointments; full-time fire  
3 department.

4 (a) Applicability. Unless a commission elects to follow the  
5 provisions of Section 16.06c, this Section shall apply to all  
6 original appointments to an affected full-time fire  
7 department. Existing registers of eligibles shall continue to  
8 be valid until their expiration dates, or up to a maximum of 2  
9 years after the effective date of this amendatory Act of the  
10 97th General Assembly.

11 Notwithstanding any statute, ordinance, rule, or other law  
12 to the contrary, all original appointments to an affected  
13 department to which this Section applies shall be administered  
14 in a no less stringent manner than the manner provided for in  
15 this Section. Provisions of the Illinois Municipal Code, Fire  
16 Protection District Act, fire district ordinances, and rules  
17 adopted pursuant to such authority and other laws relating to  
18 initial hiring of firefighters in affected departments shall  
19 continue to apply to the extent they are compatible with this  
20 Section, but in the event of a conflict between this Section  
21 and any other law, this Section shall control.

22 A fire protection district that is operating under a court  
23 order or consent decree regarding original appointments to a  
24 full-time fire department before the effective date of this  
25 amendatory Act of the 97th General Assembly is exempt from the

1 requirements of this Section for the duration of the court  
2 order or consent decree.

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

10 Whenever an appointing authority authorizes action to hire  
11 a person to perform the duties of a firefighter or to hire a  
12 firefighter-paramedic to fill a position that is a new position  
13 or vacancy due to resignation, discharge, promotion, death, the  
14 granting of a disability or retirement pension, or any other  
15 cause, the appointing authority shall appoint to that position  
16 the person with the highest ranking on the final eligibility  
17 list. If the appointing authority has reason to conclude that  
18 the highest ranked person fails to meet the minimum standards  
19 for the position or if the appointing authority believes an  
20 alternate candidate would better serve the needs of the  
21 department, then the appointing authority has the right to pass  
22 over the highest ranked person and appoint either: (i) any  
23 person who has a ranking in the top 5% of the register of  
24 eligibles or (ii) any person who is among the top 5 highest  
25 ranked persons on the list of eligibles if the number of people  
26 who have a ranking in the top 5% of the register of eligibles



1 is less than 5 people.

2 Any candidate may pass on an appointment once without  
3 losing his or her position on the register of eligibles. Any  
4 candidate who passes a second time may be removed from the list  
5 by the appointing authority provided that such action shall not  
6 prejudice a person's opportunities to participate in future  
7 examinations, including an examination held during the time a  
8 candidate is already on the fire district's register of  
9 eligibles.

10 The sole authority to issue certificates of appointment  
11 shall be vested in the board of fire commissioners, or board of  
12 trustees serving in the capacity of a board of fire  
13 commissioners. All certificates of appointment issued to any  
14 officer or member of an affected department shall be signed by  
15 the chairperson and secretary, respectively, of the commission  
16 upon appointment of such officer or member to the affected  
17 department by action of the commission. After being selected  
18 from the register of eligibles to fill a vacancy in the  
19 affected department, each appointee shall be presented with his  
20 or her certificate of appointment on the day on which he or she  
21 is sworn in as a classified member of the affected department.  
22 Firefighters who were not issued a certificate of appointment  
23 when originally appointed shall be provided with a certificate  
24 within 10 days after making a written request to the  
25 chairperson of the board of fire commissioners, or board of  
26 trustees serving in the capacity of a board of fire

1 commissioners. Each person who accepts a certificate of  
2 appointment and successfully completes his or her probationary  
3 period shall be enrolled as a firefighter and as a regular  
4 member of the fire department.

5 For the purposes of this Section, "firefighter" means any  
6 person who has been prior to, on, or after the effective date  
7 of this amendatory Act of the 97th General Assembly appointed  
8 to a fire department or fire protection district or employed by  
9 a State university and sworn or commissioned to perform  
10 firefighter duties or paramedic duties, or both, except that  
11 the following persons are not included: part-time  
12 firefighters; auxiliary, reserve, or voluntary firefighters,  
13 including paid-on-call firefighters; clerks and dispatchers or  
14 other civilian employees of a fire department or fire  
15 protection district who are not routinely expected to perform  
16 firefighter duties; and elected officials.

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

1 district, county or counties in which the district is located,  
2 State, or nation. Any examination and testing procedure  
3 utilized under subsection (e) of this Section shall be  
4 supported by appropriate validation evidence and shall comply  
5 with all applicable State and federal laws. Districts may  
6 establish educational, emergency medical service licensure,  
7 and other pre-requisites for participation in an examination or  
8 for hire as a firefighter. Any fire protection district may  
9 charge a fee to cover the costs of the application process.

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

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

- 24 (1) any person previously employed as a full-time  
25 firefighter in a regularly constituted fire department of  
26 (i) any municipality or fire protection district located in

1 Illinois, (ii) a fire protection district whose  
2 obligations were assumed by a municipality under Section 21  
3 of the Fire Protection District Act, or (iii) a  
4 municipality whose obligations were taken over by a fire  
5 protection district;

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

11 (3) any person who turned 35 while serving as a member  
12 of the active or reserve components of any of the branches  
13 of the Armed Forces of the United States or the National  
14 Guard of any state, whose service was characterized as  
15 honorable or under honorable, if separated from the  
16 military, and is currently under the age of 40.

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

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

23 No district shall require that any firefighter appointed to  
24 the lowest rank serve a probationary employment period of  
25 longer than one year of actual active employment, which may  
26 exclude periods of training, or injury or illness leaves,

1 including duty related leave, in excess of 30 calendar days.  
2 Notwithstanding anything to the contrary in this Section, the  
3 probationary employment period limitation may be extended for a  
4 firefighter who is required, as a condition of employment, to  
5 be a licensed paramedic, during which time the sole reason that  
6 a firefighter may be discharged without a hearing is for  
7 failing to meet the requirements for paramedic licensure.

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

26 (d) Notice, examination, and testing components. Notice of

1 the time, place, general scope, merit criteria for any  
2 subjective component, and fee of every examination shall be  
3 given by the commission, by a publication at least 2 weeks  
4 preceding the examination: (i) in one or more newspapers  
5 published in the district, or if no newspaper is published  
6 therein, then in one or more newspapers with a general  
7 circulation within the district, or (ii) on the fire protection  
8 district's Internet website. Additional notice of the  
9 examination may be given as the commission shall prescribe.

10 The examination and qualifying standards for employment of  
11 firefighters shall be based on: mental aptitude, physical  
12 ability, preferences, moral character, and health. The mental  
13 aptitude, physical ability, and preference components shall  
14 determine an applicant's qualification for and placement on the  
15 final register of eligibles. The examination may also include a  
16 subjective component based on merit criteria as determined by  
17 the commission. Scores from the examination must be made  
18 available to the public.

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

1 shall be administered in a manner that ensures the security and  
2 accuracy of the scores achieved.

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

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

25 (2) The ability to climb ladders, operate from heights,  
26 walk or crawl in the dark along narrow and uneven surfaces,

1 and operate in proximity to hazardous environments.

2 (3) The ability to carry out critical, time-sensitive,  
3 and complex problem solving during physical exertion in  
4 stressful and hazardous environments. The testing  
5 environment may be hot and dark with tightly enclosed  
6 spaces, flashing lights, sirens, and other distractions.

7 The tests utilized to measure each applicant's  
8 capabilities in each of these dimensions may be tests based on  
9 industry standards currently in use or equivalent tests  
10 approved by the Joint Labor-Management Committee of the Office  
11 of the State Fire Marshal.

12 Physical ability examinations administered under this  
13 Section shall be conducted with a reasonable number of proctors  
14 and monitors, open to the public, and subject to reasonable  
15 regulations of the commission.

16 (g) Scoring of examination components. Appointing  
17 authorities may create a preliminary eligibility register. A  
18 person shall be placed on the list based upon his or her  
19 passage of the written examination or the passage of the  
20 written examination and the physical ability component.  
21 Passage of the written examination means attaining the minimum  
22 score set by the commission. Minimum scores should be set by  
23 the appointing authorities so as to demonstrate a candidate's  
24 ability to perform the essential functions of the job. The  
25 minimum score set by the commission shall be supported by  
26 appropriate validation evidence and shall comply with all



1 applicable State and federal laws. The appointing authority may  
2 conduct the physical ability component and any subjective  
3 components subsequent to the posting of the preliminary  
4 eligibility register.

5 The examination components for an initial eligibility  
6 register shall be graded on a 100-point scale. A person's  
7 position on the list shall be determined by the following: (i)  
8 the person's score on the written examination, (ii) the person  
9 successfully passing the physical ability component, and (iii)  
10 the person's results on any subjective component as described  
11 in subsection (d).

12 In order to qualify for placement on the final eligibility  
13 register, an applicant's score on the written examination,  
14 before any applicable preference points or subjective points  
15 are applied, shall be at or above the minimum score set by the  
16 commission. The local appointing authority may prescribe the  
17 score to qualify for placement on the final eligibility  
18 register, but the score shall not be less than the minimum  
19 score set by the commission.

20 The commission shall prepare and keep a register of persons  
21 whose total score is not less than the minimum score for  
22 passage and who have passed the physical ability examination.  
23 These persons shall take rank upon the register as candidates  
24 in the order of their relative excellence based on the highest  
25 to the lowest total points scored on the mental aptitude,  
26 subjective component, and preference components of the test

1 administered in accordance with this Section. No more than 60  
2 days after each examination, an initial eligibility list shall  
3 be posted by the commission. The list shall include the final  
4 grades of the candidates without reference to priority of the  
5 time of examination and subject to claim for preference credit.

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

15 (h) Preferences. The following are preferences:

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

24 (2) Fire cadet preference. Persons who have  
25 successfully completed 2 years of study in fire techniques  
26 or cadet training within a cadet program established under

1 the rules of the Joint Labor and Management Committee  
2 (JLMC), as defined in Section 50 of the Fire Department  
3 Promotion Act, may be preferred for appointment to and  
4 employment with the fire department.

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

11 (4) Paramedic preference. Persons who have obtained a  
12 license as a paramedic may be preferred for appointment to  
13 and employment with the fire department of an affected  
14 department providing emergency medical services.

15 (5) Experience preference. All persons employed by a  
16 district who have been paid-on-call or part-time certified  
17 Firefighter II, certified Firefighter III, State of  
18 Illinois or nationally licensed EMT, EMT-I, A-EMT, or  
19 paramedic, or any combination of those capacities may be  
20 awarded up to a maximum of 5 points. However, the applicant  
21 may not be awarded more than 0.5 points for each complete  
22 year of paid-on-call or part-time service. Applicants from  
23 outside the district who were employed as full-time  
24 firefighters or firefighter-paramedics by a fire  
25 protection district or municipality for at least 2 years  
26 may be awarded up to 5 experience preference points.

1           However, the applicant may not be awarded more than one  
2           point for each complete year of full-time service.

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

20          (6) Residency preference. Applicants whose principal  
21          residence is located within the fire department's  
22          jurisdiction may be preferred for appointment to and  
23          employment with the fire department.

24          (7) Additional preferences. Up to 5 additional  
25          preference points may be awarded for unique categories  
26          based on an applicant's experience or background as

1 identified by the commission.

2 (8) Scoring of preferences. The commission shall give  
3 preference for original appointment to persons designated  
4 in item (1) by adding to the final grade that they receive  
5 5 points for the recognized preference achieved. The  
6 commission shall determine the number of preference points  
7 for each category except (1). The number of preference  
8 points for each category shall range from 0 to 5. In  
9 determining the number of preference points, the  
10 commission shall prescribe that if a candidate earns the  
11 maximum number of preference points in all categories, that  
12 number may not be less than 10 nor more than 30. The  
13 commission shall give preference for original appointment  
14 to persons designated in items (2) through (7) by adding  
15 the requisite number of points to the final grade for each  
16 recognized preference achieved. The numerical result thus  
17 attained shall be applied by the commission in determining  
18 the final eligibility list and appointment from the  
19 eligibility list. The local appointing authority may  
20 prescribe the total number of preference points awarded  
21 under this Section, but the total number of preference  
22 points shall not be less than 10 points or more than 30  
23 points.

24 No person entitled to any preference shall be required to  
25 claim the credit before any examination held under the  
26 provisions of this Section, but the preference shall be given

1 after the posting or publication of the initial eligibility  
2 list or register at the request of a person entitled to a  
3 credit before any certification or appointments are made from  
4 the eligibility register, upon the furnishing of verifiable  
5 evidence and proof of qualifying preference credit. Candidates  
6 who are eligible for preference credit shall make a claim in  
7 writing within 10 days after the posting of the initial  
8 eligibility list, or the claim shall be deemed waived. Final  
9 eligibility registers shall be established after the awarding  
10 of verified preference points. All employment shall be subject  
11 to the commission's initial hire background review including,  
12 but not limited to, criminal history, employment history, moral  
13 character, oral examination, and medical and psychological  
14 examinations, all on a pass-fail basis. The medical and  
15 psychological examinations must be conducted last, and may only  
16 be performed after a conditional offer of employment has been  
17 extended.

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

25 The commission shall strike off the names of candidates for  
26 original appointment after the names have been on the list for

1 more than 2 years.

2 (i) Moral character. No person shall be appointed to a fire  
3 department unless he or she is a person of good character; not  
4 a habitual drunkard, a gambler, or a person who has been  
5 convicted of a felony or a crime involving moral turpitude.  
6 However, no person shall be disqualified from appointment to  
7 the fire department because of the person's record of  
8 misdemeanor convictions except those under Sections 11-6,  
9 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,  
10 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,  
11 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and subsections  
12 1, 6, and 8 of Section 24-1 of the Criminal Code of 1961 or the  
13 Criminal Code of 2012, or arrest for any cause without  
14 conviction thereon. Any such person who is in the department  
15 may be removed on charges brought for violating this subsection  
16 and after a trial as hereinafter provided.

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

22 Whenever a commission is authorized or required by law to  
23 consider some aspect of criminal history record information for  
24 the purpose of carrying out its statutory powers and  
25 responsibilities, then, upon request and payment of fees in  
26 conformance with the requirements of Section 2605-400 of the

1 State Police Law of the Civil Administrative Code of Illinois,  
2 the Department of State Police is authorized to furnish,  
3 pursuant to positive identification, the information contained  
4 in State files as is necessary to fulfill the request.

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

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

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

23 (Source: P.A. 98-760, eff. 7-16-14; 98-973, eff. 8-15-14;  
24 98-995, eff. 8-18-14; 99-78, eff. 7-20-15.)

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