



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4600

by Rep. Kathleen Willis

SYNOPSIS AS INTRODUCED:

65 ILCS 5/10-2.1-4

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

Amends the Board of Fire and Police Commissioners Division of the Illinois Municipal Code. In provisions concerning appointments, defines "firefighter" to include a paramedic, an EMT, an emergency medical technician-intermediate (EMT-I), or an advanced emergency medical technician (A-EMT). Effective immediately.

LRB100 18075 AWJ 33267 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 Section 10-2.1-4 as follows:

6 (65 ILCS 5/10-2.1-4) (from Ch. 24, par. 10-2.1-4)

7 Sec. 10-2.1-4. Fire and police departments; appointment of
8 members; certificates of appointments. The board of fire and
9 police commissioners shall appoint all officers and members of
10 the fire and police departments of the municipality, including
11 the chief of police and the chief of the fire department,
12 unless the council or board of trustees shall by ordinance as
13 to them otherwise provide; except as otherwise provided in this
14 Section, and except that in any municipality which adopts or
15 has adopted this Division 2.1 and also adopts or has adopted
16 Article 5 of this Code, the chief of police and the chief of
17 the fire department shall be appointed by the municipal
18 manager, if it is provided by ordinance in such municipality
19 that such chiefs, or either of them, shall not be appointed by
20 the board of fire and police commissioners.

21 If the chief of the fire department or the chief of the
22 police department or both of them are appointed in the manner
23 provided by ordinance, they may be removed or discharged by the

1 appointing authority. In such case the appointing authority
2 shall file with the corporate authorities the reasons for such
3 removal or discharge, which removal or discharge shall not
4 become effective unless confirmed by a majority vote of the
5 corporate authorities.

6 After August 25, 2017 (the effective date of Public Act
7 100-425) ~~this amendatory Act of the 100th General Assembly~~, a
8 person shall not be appointed as the chief, the acting chief,
9 the department head, or a position, by whatever title, that is
10 responsible for day-to-day operations of a fire department for
11 greater than 180 days unless he or she possesses the following
12 qualifications and certifications:

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

19 (2) a minimum of 10 years' experience as a firefighter
20 at the fire department in the jurisdiction making the
21 appointment.

22 This paragraph applies to fire departments that employ
23 firefighters hired under the provisions of this Division.

24 If a member of the department is appointed chief of police
25 or chief of the fire department prior to being eligible to
26 retire on pension, he shall be considered as on furlough from

1 the rank he held immediately prior to his appointment as chief.
2 If he resigns as chief or is discharged as chief prior to
3 attaining eligibility to retire on pension, he shall revert to
4 and be established in whatever rank he currently holds, except
5 for previously appointed positions, and thereafter be entitled
6 to all the benefits and emoluments of that rank, without regard
7 as to whether a vacancy then exists in that rank.

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

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

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

1 ~~amendatory Act of the 95th General Assembly~~ may, by mutual
2 agreement with the certified bargaining agent, continue the
3 existing practice or a modified practice and that agreement
4 shall be considered a permissive subject of bargaining. A home
5 rule unit may not regulate the hiring of temporary or
6 substitute members of the municipality's fire department in a
7 manner that is inconsistent with this Section. This Section is
8 a limitation under subsection (i) of Section 6 of Article VII
9 of the Illinois Constitution on the concurrent exercise by home
10 rule units of powers and functions exercised by the State.

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

14 Any full-time ~~full-time~~ member of a regular fire or police
15 department of any municipality which comes under the provisions
16 of this Division or adopts this Division 2.1 or which has
17 adopted any of the prior Acts pertaining to fire and police
18 commissioners, is a city officer.

19 Notwithstanding any other provision of this Section, the
20 Chief of Police of a department in a non-home rule municipality
21 of more than 130,000 inhabitants may, without the advice or
22 consent of the Board of Fire and Police Commissioners, appoint
23 up to 6 officers who shall be known as deputy chiefs or
24 assistant deputy chiefs, and whose rank shall be immediately
25 below that of Chief. The deputy or assistant deputy chiefs may
26 be appointed from any rank of sworn officers of that

1 municipality, but no person who is not such a sworn officer may
2 be so appointed. Such deputy chief or assistant deputy chief
3 shall have the authority to direct and issue orders to all
4 employees of the Department holding the rank of captain or any
5 lower rank. A deputy chief of police or assistant deputy chief
6 of police, having been appointed from any rank of sworn
7 officers of that municipality, shall be permitted, regardless
8 of rank, to take promotional exams and be promoted to a higher
9 classified rank than he currently holds, without having to
10 resign as deputy chief of police or assistant deputy chief of
11 police.

12 Notwithstanding any other provision of this Section, a
13 non-home rule municipality of 130,000 or fewer inhabitants,
14 through its council or board of trustees, may, by ordinance,
15 provide for a position of deputy chief to be appointed by the
16 chief of the police department. The ordinance shall provide for
17 no more than one deputy chief position if the police department
18 has fewer than 25 full-time police officers and for no more
19 than 2 deputy chief positions if the police department has 25
20 or more full-time police officers. The deputy chief position
21 shall be an exempt rank immediately below that of Chief. The
22 deputy chief may be appointed from any rank of sworn, full-time
23 officers of the municipality's police department, but must have
24 at least 5 years of full-time service as a police officer in
25 that department. A deputy chief shall serve at the discretion
26 of the Chief and, if removed from the position, shall revert to

1 the rank currently held, without regard as to whether a vacancy
2 exists in that rank. A deputy chief of police, having been
3 appointed from any rank of sworn full-time officers of that
4 municipality's police department, shall be permitted,
5 regardless of rank, to take promotional exams and be promoted
6 to a higher classified rank than he currently holds, without
7 having to resign as deputy chief of police.

8 No municipality having a population less than 1,000,000
9 shall require that any firefighter appointed to the lowest rank
10 serve a probationary employment period of longer than one year.
11 The limitation on periods of probationary employment provided
12 in Public Act 86-990 ~~this amendatory Act of 1989~~ is an
13 exclusive power and function of the State. Pursuant to
14 subsection (h) of Section 6 of Article VII of the Illinois
15 Constitution, a home rule municipality having a population less
16 than 1,000,000 must comply with this limitation on periods of
17 probationary employment, which is a denial and limitation of
18 home rule powers. Notwithstanding anything to the contrary in
19 this Section, the probationary employment period limitation
20 may be extended for a firefighter who is required, as a
21 condition of employment, to be a licensed paramedic, during
22 which time the sole reason that a firefighter may be discharged
23 without a hearing is for failing to meet the requirements for
24 paramedic licensure.

25 To the extent that this Section or any other Section in
26 this Division conflicts with Section 10-2.1-6.3 or 10-2.1-6.4,

1 then Section 10-2.1-6.3 or 10-2.1-6.4 shall control; except
2 that as used in this Section, "firefighter" includes, but is
3 not limited to, a paramedic, an EMT, an emergency medical
4 technician-intermediate (EMT-I), or an advanced emergency
5 medical technician (A-EMT).

6 (Source: P.A. 100-252, eff. 8-22-17; 100-425, eff. 8-25-17;
7 revised 10-3-17.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.