

1 AN ACT concerning local government.

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

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

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

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

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

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

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

24 (4) ~~(2)~~ a minimum of 10 years' experience as a
25 firefighter at the fire department in the jurisdiction
26 making the appointment.

1 This Section applies to fire departments that employ
2 firefighters hired under the provisions ~~Section 10-1-7.1 or~~
3 ~~10-1-7.2~~ of this Division. This Section does not apply to a
4 municipality with more than 1,000,000 inhabitants.

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

14 (Source: P.A. 100-425, eff. 8-25-17.)

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

1 the fire department shall be appointed by the municipal
2 manager, if it is provided by ordinance in such municipality
3 that such chiefs, or either of them, shall not be appointed by
4 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 After the effective date of this amendatory Act of the
14 100th General Assembly ~~this amendatory Act of the 100th General~~
15 ~~Assembly~~, a person shall not be appointed as the chief, the
16 acting chief, the department head, or a position, by whatever
17 title, that is responsible for day-to-day operations of a fire
18 department for greater than 180 days unless he or she possesses
19 the following qualifications and certifications:

20 (1) Office of the State Fire Marshal Basic Operations
21 Firefighter ~~Basic~~ Certification or Office of the State Fire
22 Marshal Firefighter II Certification; Office of the State
23 Fire Marshal Advanced Fire Officer Certification or Office
24 of the State Fire Marshal Fire Officer I and II
25 Certification ~~Certifications~~; and an associate degree in
26 fire science or a bachelor's degree from an accredited

1 university or college; ~~or~~

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

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

25 (4) ~~(2)~~ a minimum of 10 years' experience as a
26 firefighter at the fire department in the jurisdiction

1 making the appointment.

2 This paragraph applies to fire departments that employ
3 firefighters hired under the provisions of this Division. On
4 and after the effective date of this amendatory Act of the
5 100th General Assembly, a home rule municipality may not
6 appoint a fire chief, an acting chief, a department head, or a
7 position, by whatever title, that is responsible for day-to-day
8 operations of a fire department for greater than 180 days in a
9 manner inconsistent with this paragraph. This paragraph is a
10 limitation under subsection (i) of Section 6 of Article VII of
11 the Illinois Constitution on the concurrent exercise by home
12 rule units of powers and functions exercised by the State.

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 Public Act 95-490 ~~this~~
13 ~~amendatory Act of the 95th General Assembly~~ that are using
14 non-certificated employees as substitutes immediately prior to
15 June 1, 2008 (the effective date of Public Act 95-490) ~~this~~
16 ~~amendatory Act of the 95th General Assembly~~ may, by mutual
17 agreement with the certified bargaining agent, continue the
18 existing practice or a modified practice and that agreement
19 shall be considered a permissive subject of bargaining. A home
20 rule unit may not regulate the hiring of temporary or
21 substitute members of the municipality's fire department in a
22 manner that is inconsistent with this Section. This Section is
23 a limitation under subsection (i) of Section 6 of Article VII
24 of the Illinois Constitution on the concurrent exercise by home
25 rule units of powers and functions exercised by the State.

26 The term "policemen" as used in this Division does not

1 include auxiliary police officers except as provided for in
2 Section 10-2.1-6.

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

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

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

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

1 in Public Act 86-990 ~~this amendatory Act of 1989~~ is an
2 exclusive power and function of the State. Pursuant to
3 subsection (h) of Section 6 of Article VII of the Illinois
4 Constitution, a home rule municipality having a population less
5 than 1,000,000 must comply with this limitation on periods of
6 probationary employment, which is a denial and limitation of
7 home rule powers. Notwithstanding anything to the contrary in
8 this Section, the probationary employment period limitation
9 may be extended for a firefighter who is required, as a
10 condition of employment, to be a licensed paramedic, during
11 which time the sole reason that a firefighter may be discharged
12 without a hearing is for failing to meet the requirements for
13 paramedic licensure.

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

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

19 Section 10. The Fire Protection District Act is amended by
20 changing Section 16.04b as follows:

21 (70 ILCS 705/16.04b)

22 Sec. 16.04b. Appointment of fire chief. Notwithstanding
23 any other provision in this Act, after the effective date of
24 this amendatory Act of the 100th General Assembly ~~this~~

1 ~~amendatory Act of the 100th General Assembly~~, a person shall
2 not be appointed as the chief, the acting chief, the department
3 head, or a position, by whatever title, that is responsible for
4 day-to-day operations of a fire protection district for greater
5 than 180 days unless he or she possesses the following
6 qualifications and certifications:

7 (1) Office of the State Fire Marshal Basic Operations
8 Firefighter ~~Basic~~ Certification or Office of the State Fire
9 Marshal Firefighter II Certification; Office of the State
10 Fire Marshal Advanced Fire Officer Certification or Office
11 of the State Fire Marshal Fire Officer I and II
12 Certification Certifications; and an associate degree in
13 fire science or a bachelor's degree from an accredited
14 university or college; ~~or~~

15 (2) a current certification from the International
16 Fire Service Accreditation Congress or Pro Board Fire
17 Service Professional Qualifications System that meets the
18 National Fire Protection Association standard NFPA 1001,
19 Standard for Fire Fighter Professional Qualifications,
20 Level I job performance requirements; a current
21 certification from the International Fire Service
22 Accreditation Congress or Pro Board Fire Service
23 Professional Qualifications System that meets the National
24 Fire Protection Association standard NFPA 1021, Standard
25 for Fire Officer Professional Qualifications, Fire Officer
26 II job performance requirements; and an associate degree in

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

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

12 (4) ~~(2)~~ a minimum of 10 years' experience as a
13 firefighter in the fire protection district of the
14 jurisdiction making the appointment.

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

17 (Source: P.A. 100-425, eff. 8-25-17.)