



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4508

Introduced 2/4/2020, by Rep. Jay Hoffman

SYNOPSIS AS INTRODUCED:

65 ILCS 5/10-1-7.2
65 ILCS 5/10-2.1-6.4
70 ILCS 705/16.06c

Amends the Illinois Municipal Code and the Fire Protection District Act. In Sections relating to establishing a program for placing persons eligible for placement on a master register of candidates for full-time firefighter placement, provides that nothing in the listed Sections requires the Joint Labor and Management Committee to establish or operate a community outreach program or master register of eligibles, or to contract with a testing agency to establish or operate such program or register, unless the Committee chooses to do so.

LRB101 18666 AWJ 68121 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 10-1-7.2 and 10-2.1-6.4 as follows:

6 (65 ILCS 5/10-1-7.2)

7 Sec. 10-1-7.2. Alternative procedure; original
8 appointment; full-time firefighter.

9 (a) Authority. The Joint Labor and Management Committee
10 (JLMC), as defined in Section 50 of the Fire Department
11 Promotion Act, may establish a community outreach program to
12 market the profession of firefighter and firefighter-paramedic
13 so as to ensure the pool of applicants recruited is of broad
14 diversity and the highest quality. Nothing in this Section
15 requires that the Joint Labor and Management Committee
16 establish or operate the community outreach program or master
17 register of eligibles, or to contract with a testing agency to
18 establish or operate such program or register, unless the Joint
19 Labor and Management Committee chooses to do so.

20 For the purposes of this Section, "firefighter" means any
21 person who has been prior to, on, or after the effective date
22 of this amendatory Act of the 97th General Assembly appointed
23 to a fire department or fire protection district or employed by

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

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

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

18 Qualified candidates shall be listed on the master
19 register of eligibles in highest to lowest rank order based
20 upon their test scores without regard to their date of
21 examination. Candidates listed on the master register of
22 eligibles shall be eligible for appointment for 2 years
23 after the date of the certification of their final score on
24 the register without regard to the date of their
25 examination. After 2 years, the candidate's name shall be
26 struck from the list.

1 Any person currently employed as a full-time member of
2 a fire department or any person who has experienced a
3 non-voluntary (and non-disciplinary) separation from the
4 active workforce due to a reduction in the number of
5 departmental officers, who was appointed pursuant to this
6 Division, Division 2.1 of Article 10 of the Illinois
7 Municipal Code, or the Fire Protection District Act, and
8 who during the previous 24 months participated in and
9 received a passing score on the physical ability and mental
10 aptitude components of the test may request that his or her
11 name be added to the master register. Any eligible person
12 may be offered employment by a local commission under the
13 same procedures as provided by this Section except that the
14 apprenticeship period may be waived and the applicant may
15 be immediately issued a certificate of original
16 appointment by the local commission.

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

1 applicants. Any examination and testing procedure utilized
2 under subsection (e) of this Section shall be supported by
3 appropriate validation evidence and shall comply with all
4 applicable state and federal laws. Any subjective component of
5 the testing must be administered by certified assessors. All
6 qualifying and disqualifying factors applicable to examination
7 processes for local commissions in this amendatory Act of the
8 97th General Assembly shall be applicable to persons
9 participating in Joint Labor and Management Committee
10 examinations unless specifically provided otherwise in this
11 Section.

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

21 (d) Examination and testing components for placement on
22 register of eligibles. The examination and qualifying
23 standards for placement on the master register of eligibles and
24 employment shall be based on the following components: mental
25 aptitude, physical ability, preferences, moral character, and
26 health. The mental aptitude, physical ability, and preference

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

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

22 (f) Physical ability. All candidates shall be required to
23 undergo an examination of their physical ability to perform the
24 essential functions included in the duties they may be called
25 upon to perform as a member of a fire department. For the
26 purposes of this Section, essential functions of the job are

1 functions associated with duties that a firefighter may be
2 called upon to perform in response to emergency calls. The
3 frequency of the occurrence of those duties as part of the fire
4 department's regular routine shall not be a controlling factor
5 in the design of examination criteria or evolutions selected
6 for testing. These physical examinations shall be open,
7 competitive, and based on industry standards designed to test
8 each applicant's physical abilities in each of the following
9 dimensions:

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

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

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

25 The tests utilized to measure each applicant's
26 capabilities in each of these dimensions may be tests based on

1 industry standards currently in use or equivalent tests
2 approved by the Joint Labor-Management Committee of the Office
3 of the State Fire Marshal.

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

11 Applicants who have achieved at least the minimum score on
12 the written examination, as set by the JLMC, and who
13 successfully pass the physical ability examination shall be
14 placed on the initial eligibility register. Minimum scores
15 should be set by the JLMC so as to demonstrate a candidate's
16 ability to perform the essential functions of the job. The
17 minimum score set by the JLMC shall be supported by appropriate
18 validation evidence and shall comply with all applicable State
19 and federal laws. Applicable preference points shall be added
20 to the written examination scores for all applicants who
21 qualify for the initial eligibility register. Applicants who
22 score at or above the minimum passing score as set by the JLMC,
23 including any applicable preference points, shall be placed on
24 the master register of eligibles by the JLMC.

25 These persons shall take rank upon the register as
26 candidates in the order of their relative excellence based on

1 the highest to the lowest total points scored on the mental
2 aptitude and physical ability components, plus any applicable
3 preference points requested and verified by the JLMC, or
4 approved testing agency.

5 No more than 60 days after each examination, a revised
6 master register of eligibles shall be posted by the JLMC
7 showing the final grades of the candidates without reference to
8 priority of time of examination.

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

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

26 (i) Firefighter apprentice and firefighter-paramedic

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

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

1 the position of firefighter apprentice or
2 firefighter-paramedic apprentice.

3 Applicants passing these tests may be employed as a
4 firefighter apprentice or a firefighter-paramedic apprentice
5 who shall serve an apprenticeship period of 12 months or less
6 according to the terms and conditions of employment as the
7 employing municipality or district offers, or as provided for
8 under the terms of any collective bargaining agreement then in
9 effect. The apprenticeship period is separate from the
10 probationary period.

11 Service during the apprenticeship period shall be on a
12 probationary basis. During the apprenticeship period, the
13 apprentice's training and performance shall be monitored and
14 evaluated by a Joint Apprenticeship Committee.

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

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

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

26 A person who is the knowing recipient of test information

1 in advance of the examination shall be disqualified from the
2 examination or discharged from the position to which he or she
3 was appointed, as applicable, and otherwise subjected to
4 disciplinary actions.

5 (1) Applicability. This Section does not apply to a
6 municipality with more than 1,000,000 inhabitants.

7 (Source: P.A. 97-251, eff. 8-4-11; 97-898, eff. 8-6-12; 98-760,
8 eff. 7-16-14.)

9 (65 ILCS 5/10-2.1-6.4)

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

12 (a) Authority. The Joint Labor and Management Committee
13 (JLMC), as defined in Section 50 of the Fire Department
14 Promotion Act, may establish a community outreach program to
15 market the profession of firefighter and firefighter-paramedic
16 so as to ensure the pool of applicants recruited is of broad
17 diversity and the highest quality. Nothing in this Section
18 requires that the Joint Labor and Management Committee
19 establish or operate the community outreach program or master
20 register of eligibles, or to contract with a testing agency to
21 establish or operate such program or register, unless the Joint
22 Labor and Management Committee chooses to do so.

23 For the purposes of this Section, "firefighter" means any
24 person who has been prior to, on, or after the effective date
25 of this amendatory Act of the 97th General Assembly appointed

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

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

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

19 Qualified candidates shall be listed on the master
20 register of eligibles in highest to lowest rank order based
21 upon their test scores without regard to their date of
22 examination. Candidates listed on the master register of
23 eligibles shall be eligible for appointment for 2 years
24 after the date of the certification of their final score on
25 the register without regard to the date of their
26 examination. After 2 years, the candidate's name shall be

1 struck from the list.

2 Any person currently employed as a full-time member of
3 a fire department or any person who has experienced a
4 non-voluntary (and non-disciplinary) separation from the
5 active workforce due to a reduction in the number of
6 departmental officers, who was appointed pursuant to
7 Division 1 of Article 10 of the Illinois Municipal Code,
8 Division 2.1 of Article 10 of the Illinois Municipal Code,
9 or the Fire Protection District Act, and who during the
10 previous 24 months participated in and received a passing
11 score on the physical ability and mental aptitude
12 components of the test may request that his or her name be
13 added to the master register. Any eligible person may be
14 offered employment by a local commission under the same
15 procedures as provided by this Section except that the
16 apprenticeship period may be waived and the applicant may
17 be immediately issued a certificate of original
18 appointment by the local commission.

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

1 Management Committee (JLMC) shall be subject to examination and
2 testing which shall be public, competitive, and open to all
3 applicants. Any examination and testing procedure utilized
4 under subsection (e) of this Section shall be supported by
5 appropriate validation evidence and shall comply with all
6 applicable state and federal laws. Any subjective component of
7 the testing must be administered by certified assessors. All
8 qualifying and disqualifying factors applicable to examination
9 processes for local commissions in this amendatory Act of the
10 97th General Assembly shall be applicable to persons
11 participating in Joint Labor and Management Committee
12 examinations unless specifically provided otherwise in this
13 Section.

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

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

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

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

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

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

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

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

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

1 The tests utilized to measure each applicant's
2 capabilities in each of these dimensions may be tests based on
3 industry standards currently in use or equivalent tests
4 approved by the Joint Labor-Management Committee of the Office
5 of the State Fire Marshal.

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

13 Applicants who have achieved at least the minimum score as
14 set by the JLMC, and who successfully pass the physical ability
15 examination shall be placed on the initial eligibility
16 register. Minimum scores should be set by the commission so as
17 to demonstrate a candidate's ability to perform the essential
18 functions of the job. The minimum score set by the commission
19 shall be supported by appropriate validation evidence and shall
20 comply with all applicable State and federal laws. Applicable
21 preference points shall be added to the written examination
22 scores for all applicants who qualify for the initial
23 eligibility register. Applicants who score at or above the
24 minimum passing score as set by the JLMC, including any
25 applicable preference points, shall be placed on the master
26 register of eligibles by the JLMC.

1 These persons shall take rank upon the register as
2 candidates in the order of their relative excellence based on
3 the highest to the lowest total points scored on the mental
4 aptitude and physical ability components, plus any applicable
5 preference points requested and verified by the JLMC, or
6 approved testing agency.

7 No more than 60 days after each examination, a revised
8 master register of eligibles shall be posted by the JLMC
9 showing the final grades of the candidates without reference to
10 priority of time of examination.

11 (h) Preferences. The board shall give military, education,
12 and experience preference points to those who qualify for
13 placement on the master register of eligibles, on the same
14 basis as provided for examinations administered by a local
15 commission.

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

1 their final score including preference points.

2 (i) Firefighter apprentice and firefighter-paramedic
3 apprentice. The employment of an applicant to an apprentice
4 position (including a currently employed full-time member of a
5 fire department whose apprenticeship may be reduced or waived)
6 shall be subject to the applicant passing the moral character
7 standards and health examinations of the local commission. In
8 addition, a local commission may require as a condition of
9 employment that the applicant demonstrate current physical
10 ability by either passing the local commission's approved
11 physical ability examination, or by presenting proof of
12 participating in and receiving a passing score on the physical
13 ability component of a JLMC test within a period of up to 12
14 months before the date of the conditional offer of employment.
15 Applicants shall be subject to the local commission's initial
16 hire background review including criminal history, employment
17 history, moral character, oral examination, and medical
18 examinations which may include polygraph, psychological, and
19 drug screening components, all on a pass-fail basis. The
20 medical examinations must be conducted last, and may only be
21 performed after a conditional offer of employment has been
22 extended.

23 (j) Selection from list. Any municipality or fire
24 protection district that is a party to an intergovernmental
25 agreement under the terms of which persons have been tested for
26 placement on the master register of eligibles shall be entitled

1 to offer employment to any person on the list irrespective of
2 their ranking on the list. The offer of employment shall be to
3 the position of firefighter apprentice or
4 firefighter-paramedic apprentice.

5 Applicants passing these tests may be employed as a
6 firefighter apprentice or a firefighter-paramedic apprentice
7 who shall serve an apprenticeship period of 12 months or less
8 according to the terms and conditions of employment as the
9 employing municipality or district offers, or as provided for
10 under the terms of any collective bargaining agreement then in
11 effect. The apprenticeship period is separate from the
12 probationary period.

13 Service during the apprenticeship period shall be on a
14 probationary basis. During the apprenticeship period, the
15 apprentice's training and performance shall be monitored and
16 evaluated by a Joint Apprenticeship Committee.

17 The Joint Apprenticeship Committee shall consist of 4
18 members who shall be regular members of the fire department
19 with at least 10 years of full-time work experience as a
20 firefighter or firefighter-paramedic. The fire chief and the
21 president of the exclusive bargaining representative
22 recognized by the employer shall each appoint 2 members to the
23 Joint Apprenticeship Committee. In the absence of an exclusive
24 collective bargaining representative, the chief shall appoint
25 the remaining 2 members who shall be from the ranks of company
26 officer and firefighter with at least 10 years of work

1 experience as a firefighter or firefighter-paramedic. In the
2 absence of a sufficient number of qualified firefighters, the
3 Joint Apprenticeship Committee members shall have the amount of
4 experience and the type of qualifications as is reasonable
5 given the circumstances of the fire department. In the absence
6 of a full-time member in a rank between chief and the highest
7 rank in a bargaining unit, the Joint Apprenticeship Committee
8 shall be reduced to 2 members, one to be appointed by the chief
9 and one by the union president, if any. If there is no
10 exclusive bargaining representative, the chief shall appoint
11 the second member of the Joint Apprenticeship Committee from
12 among qualified members in the ranks of company officer and
13 below. Before the conclusion of the apprenticeship period, the
14 Joint Apprenticeship Committee shall meet to consider the
15 apprentice's progress and performance and vote to retain the
16 apprentice as a member of the fire department or to terminate
17 the apprenticeship. If 3 of the 4 members of the Joint
18 Apprenticeship Committee affirmatively vote to retain the
19 apprentice (if a 2 member Joint Apprenticeship Committee
20 exists, then both members must affirmatively vote to retain the
21 apprentice), the local commission shall issue the apprentice a
22 certificate of original appointment to the fire department.

23 (k) A person who knowingly divulges or receives test
24 questions or answers before a written examination, or otherwise
25 knowingly violates or subverts any requirement of this Section,
26 commits a violation of this Section and may be subject to

1 charges for official misconduct.

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

7 (1) Applicability. This Section does not apply to a
8 municipality with more than 1,000,000 inhabitants.

9 (Source: P.A. 97-251, eff. 8-4-11; 97-898, eff. 8-6-12; 98-760,
10 eff. 7-16-14.)

11 Section 10. The Fire Protection District Act is amended by
12 changing Section 16.06c as follows:

13 (70 ILCS 705/16.06c)

14 Sec. 16.06c. Alternative procedure; original appointment;
15 full-time firefighter.

16 (a) Authority. The Joint Labor and Management Committee
17 (JLMC), as defined in Section 50 of the Fire Department
18 Promotion Act, may establish a community outreach program to
19 market the profession of firefighter and firefighter-paramedic
20 so as to ensure the pool of applicants recruited is of broad
21 diversity and the highest quality. Nothing in this Section
22 requires that the Joint Labor and Management Committee
23 establish or operate the community outreach program or master
24 register of eligibles, or to contract with a testing agency to

1 establish or operate such program or register, unless the Joint
2 Labor and Management Committee chooses to do so.

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

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

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

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

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

7 Any person currently employed as a full-time member of
8 a fire department or any person who has experienced a
9 non-voluntary (and non-disciplinary) separation from the
10 active workforce due to a reduction in the number of
11 departmental officers, who was appointed pursuant to
12 Division 1 of Article 10 of the Illinois Municipal Code,
13 Division 2.1 of Article 10 of the Illinois Municipal Code,
14 or the Fire Protection District Act, and who during the
15 previous 24 months participated in and received a passing
16 score on the physical ability and mental aptitude
17 components of the test may request that his or her name be
18 added to the master register. Any eligible person may be
19 offered employment by a local commission under the same
20 procedures as provided by this Section except that the
21 apprenticeship period may be waived and the applicant may
22 be immediately issued a certificate of original
23 appointment by the local commission.

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

1 mental aptitude and physical ability to perform the duties
2 required of members of the fire department in order to provide
3 the highest quality of service to the public. To this end, all
4 applicants for original appointment to an affected fire
5 department through examination conducted by the Joint Labor and
6 Management Committee (JLMC) shall be subject to examination and
7 testing which shall be public, competitive, and open to all
8 applicants. Any examination and testing procedure utilized
9 under subsection (e) of this Section shall be supported by
10 appropriate validation evidence and shall comply with all
11 applicable state and federal laws. Any subjective component of
12 the testing must be administered by certified assessors. All
13 qualifying and disqualifying factors applicable to examination
14 processes for local commissions in this amendatory Act of the
15 97th General Assembly shall be applicable to persons
16 participating in Joint Labor and Management Committee
17 examinations unless specifically provided otherwise in this
18 Section.

19 Notice of the time, place, general scope, and fee of every
20 JLMC examination shall be given by the JLMC or designated
21 testing agency, as applicable, by a publication at least 30
22 days preceding the examination, in one or more newspapers
23 published in the region, or if no newspaper is published
24 therein, then in one or more newspapers with a general
25 circulation within the region. The JLMC may publish the notice
26 on the JLMC's Internet website. Additional notice of the

1 examination may be given as the JLMC shall prescribe.

2 (d) Examination and testing components for placement on
3 register of eligibles. The examination and qualifying
4 standards for placement on the master register of eligibles and
5 employment shall be based on the following components: mental
6 aptitude, physical ability, preferences, moral character, and
7 health. The mental aptitude, physical ability, and preference
8 components shall determine an applicant's qualification for
9 and placement on the master register of eligibles. The
10 consideration of an applicant's general moral character and
11 health shall be administered on a pass-fail basis after a
12 conditional offer of employment is made by a local commission.

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

1 service licensure, and other pre-requisites for hire within
2 their jurisdiction.

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 each of 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 are to be
23 based on industry standards developed by the JLMC by rule.

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 (g) Scoring of examination components. The examination
12 components shall be graded on a 100-point scale. A person's
13 position on the master register of eligibles shall be
14 determined by the person's score on the written examination,
15 the person successfully passing the physical ability
16 component, and the addition of any applicable preference
17 points.

18 Applicants who have achieved at least the minimum score as
19 set by the JLMC on the written examination, and who
20 successfully pass the physical ability examination shall be
21 placed on the initial eligibility register. Minimum scores
22 should be set by the JLMC so as to demonstrate a candidate's
23 ability to perform the essential functions of the job. The
24 minimum score set by the JLMC shall be supported by appropriate
25 validation evidence and shall comply with all applicable state
26 and federal laws. Applicable preference points shall be added

1 to the written examination scores for all applicants who
2 qualify for the initial eligibility register. Applicants who
3 score at or above the minimum passing score as set by the JLMC,
4 including any applicable preference points, shall be placed on
5 the master register of eligibles by the JLMC.

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

12 No more than 60 days after each examination, a revised
13 master register of eligibles shall be posted by the JLMC
14 showing the final grades of the candidates without reference to
15 priority of time of examination.

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

21 No person entitled to preference or credit shall be
22 required to claim the credit before any examination held under
23 the provisions of this Section. The preference shall be given
24 after the posting or publication of the applicant's initial
25 score at the request of the person before finalizing the scores
26 from all applicants taking part in a JLMC examination.

1 Candidates who are eligible for preference credit shall make a
2 claim in writing within 10 days after the posting of the
3 initial scores from any JLMC test or the claim shall be deemed
4 waived. Once preference points are awarded, the candidates
5 shall be certified to the master register in accordance with
6 their final score including preference points.

7 (i) Firefighter apprentice and firefighter-paramedic
8 apprentice. The employment of an applicant to an apprentice
9 position (including a currently employed full-time member of a
10 fire department whose apprenticeship may be reduced or waived)
11 shall be subject to the applicant passing the moral character
12 standards and health examinations of the local commission. In
13 addition, a local commission may require as a condition of
14 employment that the applicant demonstrate current physical
15 ability by either passing the local commission's approved
16 physical ability examination, or by presenting proof of
17 participating in and receiving a passing score on the physical
18 ability component of a JLMC test within a period of up to 12
19 months before the date of the conditional offer of employment.
20 Applicants shall be subject to the local commission's initial
21 hire background review including criminal history, employment
22 history, moral character, oral examination, and medical
23 examinations which may include polygraph, psychological, and
24 drug screening components, all on a pass-fail basis. The
25 medical examinations must be conducted last, and may only be
26 performed after a conditional offer of employment has been

1 extended.

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

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

18 Service during the apprenticeship period shall be on a
19 probationary basis. During the apprenticeship period, the
20 apprentice's training and performance shall be monitored and
21 evaluated by a Joint Apprenticeship Committee.

22 The Joint Apprenticeship Committee shall consist of 4
23 members who shall be regular members of the fire department
24 with at least 10 years of full-time work experience as a
25 firefighter or firefighter-paramedic. The fire chief and the
26 president of the exclusive bargaining representative

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

1 certificate of original appointment to the fire department.

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

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

12 (Source: P.A. 97-251, eff. 8-4-11; 97-898, eff. 8-6-12; 98-760,
13 eff. 7-16-14.)