



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4644

Introduced 2/5/2020, by Rep. Darren Bailey

SYNOPSIS AS INTRODUCED:

65 ILCS 5/10-1-7.1
65 ILCS 5/10-2.1-6.3
70 ILCS 705/16.06b

Amends the Illinois Municipal Code and the Fire Protection District Act. Provides that a person 35 years of age or older who has served a municipality as a regularly enrolled volunteer, paid-on-call, or part-time firefighter is eligible to take an examination for a position as a firefighter (removing a requirement the volunteer, paid-on-call, or part-time work was 5 years immediately preceding the time that the municipality begins to use full-time firefighters to provide all or part of its fire protection service). Effective immediately.

LRB101 17537 AWJ 66953 b

HOME RULE NOTE
ACT MAY APPLY

A BILL FOR

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 and 10-2.1-6.3 as follows:

6 (65 ILCS 5/10-1-7.1)

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

9 (a) Applicability. Unless a commission elects to follow the
10 provisions of Section 10-1-7.2, this Section shall apply to all
11 original appointments to an affected full-time fire
12 department. Existing registers of eligibles shall continue to
13 be valid until their expiration dates, or up to a maximum of 2
14 years after August 4, 2011 (the effective date of Public Act
15 97-251) ~~this amendatory Act of the 97th General Assembly.~~

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

1 Section, but in the event of a conflict between this Section
2 and any other law, this Section shall control.

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

10 A municipality that is operating under a court order or
11 consent decree regarding original appointments to a full-time
12 fire department before August 4, 2011 (the effective date of
13 Public Act 97-251) ~~this amendatory Act of the 97th General~~
14 ~~Assembly~~ is exempt from the requirements of this Section for
15 the duration of the court order or consent decree.

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

19 (b) Original appointments. All original appointments made
20 to an affected fire department shall be made from a register of
21 eligibles established in accordance with the processes
22 established by this Section. Only persons who meet or exceed
23 the performance standards required by this Section shall be
24 placed on a register of eligibles for original appointment to
25 an affected fire department.

26 Whenever an appointing authority authorizes action to hire

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

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

26 The sole authority to issue certificates of appointment

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

18 For the purposes of this Section, "firefighter" means any
19 person who has been prior to, on, or after August 4, 2011 (the
20 effective date of Public Act 97-251) ~~this amendatory Act of the~~
21 ~~97th General Assembly~~ appointed to a fire department or fire
22 protection district or employed by a State university and sworn
23 or commissioned to perform firefighter duties or paramedic
24 duties, or both, except that the following persons are not
25 included: part-time firefighters; auxiliary, reserve, or
26 voluntary firefighters, including paid-on-call firefighters;

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

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

24 Residency requirements in effect at the time an individual
25 enters the fire service of a municipality cannot be made more
26 restrictive for that individual during his or her period of

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

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

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

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

25 (3) any person who turned 35 while serving as a member
26 of the active or reserve components of any of the branches

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

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

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

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

23 In the event that any applicant who has been found eligible
24 for appointment and whose name has been placed upon the final
25 eligibility register provided for in this Division 1 has not
26 been appointed to a firefighter position within one year after

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

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

25 The examination and qualifying standards for employment of
26 firefighters shall be based on: mental aptitude, physical

1 ability, preferences, moral character, and health. The mental
2 aptitude, physical ability, and preference components shall
3 determine an applicant's qualification for and placement on the
4 final register of eligibles. The examination may also include a
5 subjective component based on merit criteria as determined by
6 the commission. Scores from the examination must be made
7 available to the public.

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

18 (f) Physical ability. All candidates shall be required to
19 undergo an examination of their physical ability to perform the
20 essential functions included in the duties they may be called
21 upon to perform as a member of a fire department. For the
22 purposes of this Section, essential functions of the job are
23 functions associated with duties that a firefighter may be
24 called upon to perform in response to emergency calls. The
25 frequency of the occurrence of those duties as part of the fire
26 department's regular routine shall not be a controlling factor

1 in the design of examination criteria or evolutions selected
2 for testing. These physical examinations shall be open,
3 competitive, and based on industry standards designed to test
4 each applicant's physical abilities in the following
5 dimensions:

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

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

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

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

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

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

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

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

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

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

1 showing the final grades of the candidates without reference to
2 priority of time of examination and subject to claim for
3 preference credit.

4 (h) Preferences. The following are preferences:

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

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

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

26 (4) Paramedic preference. Persons who have obtained a

1 license as a paramedic may be preferred for appointment to
2 and employment with the fire department of an affected
3 department providing emergency medical services.

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

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

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

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

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

17 (7.5) Apprentice preferences. A person who has
18 performed fire suppression service for a department as a
19 firefighter apprentice and otherwise meet the
20 qualifications for original appointment as a firefighter
21 specified in this Section may be awarded up to 20
22 preference points. To qualify for preference points, an
23 applicant shall have completed a minimum of 600 hours of
24 fire suppression work on a regular shift for the affected
25 fire department over a 12-month period. The fire
26 suppression work must be in accordance with Section 10-1-14

1 of this Division and the terms established by a Joint
2 Apprenticeship Committee included in a collective
3 bargaining agreement agreed between the employer and its
4 certified bargaining agent. An eligible applicant must
5 apply to the Joint Apprenticeship Committee for preference
6 points under this item. The Joint Apprenticeship Committee
7 shall evaluate the merit of the applicant's performance,
8 determine the preference points to be awarded, and certify
9 the amount of points awarded to the commissioners. The
10 commissioners may add the certified preference points to
11 the final grades achieved by the applicant on the other
12 components of the examination.

13 (8) Scoring of preferences. The commission shall give
14 preference for original appointment to persons designated
15 in item (1) by adding to the final grade that they receive
16 5 points for the recognized preference achieved. The
17 commission may give preference for original appointment to
18 persons designated in item (7.5) by adding to the final
19 grade the amount of points designated by the Joint
20 Apprenticeship Committee as defined in item (7.5). The
21 commission shall determine the number of preference points
22 for each category, except (1) and (7.5). The number of
23 preference points for each category shall range from 0 to
24 5, except item (7.5). In determining the number of
25 preference points, the commission shall prescribe that if a
26 candidate earns the maximum number of preference points in

1 all categories except item (7.5), that number may not be
2 less than 10 nor more than 30. The commission shall give
3 preference for original appointment to persons designated
4 in items (2) through (7) by adding the requisite number of
5 points to the final grade for each recognized preference
6 achieved. The numerical result thus attained shall be
7 applied by the commission in determining the final
8 eligibility list and appointment from the eligibility
9 list. The local appointing authority may prescribe the
10 total number of preference points awarded under this
11 Section, but the total number of preference points, except
12 item (7.5), shall not be less than 10 points or more than
13 30 points. Apprentice preference points may be added in
14 addition to other preference points awarded by the
15 commission.

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

1 eligibility registers shall be established after the awarding
2 of verified preference points. However, apprentice preference
3 credit earned subsequent to the establishment of the final
4 eligibility register may be applied to the applicant's score
5 upon certification by the Joint Apprenticeship Committee to the
6 commission and the rank order of candidates on the final
7 eligibility register shall be adjusted accordingly. All
8 employment shall be subject to the commission's initial hire
9 background review including, but not limited to, criminal
10 history, employment history, moral character, oral
11 examination, and medical and psychological examinations, all
12 on a pass-fail basis. The medical and psychological
13 examinations must be conducted last, and may only be performed
14 after a conditional offer of employment has been extended.

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

22 The commission shall strike off the names of candidates for
23 original appointment after the names have been on the list for
24 more than 2 years.

25 (i) Moral character. No person shall be appointed to a fire
26 department unless he or she is a person of good character; not

1 a habitual drunkard, a gambler, or a person who has been
2 convicted of a felony or a crime involving moral turpitude.
3 However, no person shall be disqualified from appointment to
4 the fire department because of the person's record of
5 misdemeanor convictions except those under Sections 11-6,
6 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,
7 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,
8 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and subsections
9 1, 6, and 8 of Section 24-1 of the Criminal Code of 1961 or the
10 Criminal Code of 2012, or arrest for any cause without
11 conviction thereon. Any such person who is in the department
12 may be removed on charges brought for violating this subsection
13 and after a trial as hereinafter provided.

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

19 Whenever a commission is authorized or required by law to
20 consider some aspect of criminal history record information for
21 the purpose of carrying out its statutory powers and
22 responsibilities, then, upon request and payment of fees in
23 conformance with the requirements of Section 2605-400 of the
24 State Police Law of the Civil Administrative Code of Illinois,
25 the Department of State Police is authorized to furnish,
26 pursuant to positive identification, the information contained

1 in State files as is necessary to fulfill the request.

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

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

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

20 (Source: P.A. 100-252, eff. 8-22-17; 101-489, eff. 8-23-19;
21 revised 11-26-19.)

22 (65 ILCS 5/10-2.1-6.3)

23 Sec. 10-2.1-6.3. Original appointments; full-time fire
24 department.

25 (a) Applicability. Unless a commission elects to follow the

1 provisions of Section 10-2.1-6.4, this Section shall apply to
2 all original appointments to an affected full-time fire
3 department. Existing registers of eligibles shall continue to
4 be valid until their expiration dates, or up to a maximum of 2
5 years after August 4, 2011 (the effective date of Public Act
6 97-251) ~~this amendatory Act of the 97th General Assembly.~~

7 Notwithstanding any statute, ordinance, rule, or other law
8 to the contrary, all original appointments to an affected
9 department to which this Section applies shall be administered
10 in the manner provided for in this Section. Provisions of the
11 Illinois Municipal Code, municipal ordinances, and rules
12 adopted pursuant to such authority and other laws relating to
13 initial hiring of firefighters in affected departments shall
14 continue to apply to the extent they are compatible with this
15 Section, but in the event of a conflict between this Section
16 and any other law, this Section shall control.

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

24 A municipality that is operating under a court order or
25 consent decree regarding original appointments to a full-time
26 fire department before August 4, 2011 (the effective date of

1 Public Act 97-251) ~~this amendatory Act of the 97th General~~
2 ~~Assembly~~ is exempt from the requirements of this Section for
3 the duration of the court order or consent decree.

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

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

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

1 person who has a ranking in the top 5% of the register of
2 eligibles or (ii) any person who is among the top 5 highest
3 ranked persons on the list of eligibles if the number of people
4 who have a ranking in the top 5% of the register of eligibles
5 is less than 5 people.

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

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

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

6 For the purposes of this Section, "firefighter" means any
7 person who has been prior to, on, or after August 4, 2011 (the
8 effective date of Public Act 97-251) ~~this amendatory Act of the~~
9 ~~97th General Assembly~~ appointed to a fire department or fire
10 protection district or employed by a State university and sworn
11 or commissioned to perform firefighter duties or paramedic
12 duties, or both, except that the following persons are not
13 included: part-time firefighters; auxiliary, reserve, or
14 voluntary firefighters, including paid-on-call firefighters;
15 clerks and dispatchers or other civilian employees of a fire
16 department or fire protection district who are not routinely
17 expected to perform firefighter duties; and elected officials.

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

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

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

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

- 26 (1) any person previously employed as a full-time

1 firefighter in a regularly constituted fire department of
2 (i) any municipality or fire protection district located in
3 Illinois, (ii) a fire protection district whose
4 obligations were assumed by a municipality under Section 21
5 of the Fire Protection District Act, or (iii) a
6 municipality whose obligations were taken over by a fire
7 protection district,

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

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

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

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

25 No municipality shall require that any firefighter
26 appointed to the lowest rank serve a probationary employment

1 period of longer than one year of actual active employment,
2 which may exclude periods of training, or injury or illness
3 leaves, including duty related leave, in excess of 30 calendar
4 days. Notwithstanding anything to the contrary in this Section,
5 the probationary employment period limitation may be extended
6 for a firefighter who is required, as a condition of
7 employment, to be a licensed paramedic, during which time the
8 sole reason that a firefighter may be discharged without a
9 hearing is for failing to meet the requirements for paramedic
10 licensure.

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

1 shall not be appointed, and the name of the applicant shall be
2 removed from the register.

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

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

22 (e) Mental aptitude. No person who does not possess at
23 least a high school diploma or an equivalent high school
24 education shall be placed on a register of eligibles.
25 Examination of an applicant's mental aptitude shall be based
26 upon a written examination. The examination shall be practical

1 in character and relate to those matters that fairly test the
2 capacity of the persons examined to discharge the duties
3 performed by members of a fire department. Written examinations
4 shall be administered in a manner that ensures the security and
5 accuracy of the scores achieved.

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

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

1 appointing authority.

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

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

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

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

19 (g) Scoring of examination components. Appointing
20 authorities may create a preliminary eligibility register. A
21 person shall be placed on the list based upon his or her
22 passage of the written examination or the passage of the
23 written examination and the physical ability component.
24 Passage of the written examination means attaining the minimum
25 score set by the commission. Minimum scores should be set by
26 the commission so as to demonstrate a candidate's ability to

1 perform the essential functions of the job. The minimum score
2 set by the commission shall be supported by appropriate
3 validation evidence and shall comply with all applicable State
4 and federal laws. The appointing authority may conduct the
5 physical ability component and any subjective components
6 subsequent to the posting of the preliminary eligibility
7 register.

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

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

23 The commission shall prepare and keep a register of persons
24 whose total score is not less than the minimum score for
25 passage and who have passed the physical ability examination.
26 These persons shall take rank upon the register as candidates

1 in the order of their relative excellence based on the highest
2 to the lowest total points scored on the mental aptitude,
3 subjective component, and preference components of the test
4 administered in accordance with this Section. No more than 60
5 days after each examination, an initial eligibility list shall
6 be posted by the commission. The list shall include the final
7 grades of the candidates without reference to priority of the
8 time of examination and subject to claim for preference credit.

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

18 (h) Preferences. The following are preferences:

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

1 (2) Fire cadet preference. Persons who have
2 successfully completed 2 years of study in fire techniques
3 or cadet training within a cadet program established under
4 the rules of the Joint Labor and Management Committee
5 (JLMC), as defined in Section 50 of the Fire Department
6 Promotion Act, may be preferred for appointment to and
7 employment with the fire department.

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

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

18 (5) Experience preference. All persons employed by a
19 municipality who have been paid-on-call or part-time
20 certified Firefighter II, State of Illinois or nationally
21 licensed EMT, EMT-I, A-EMT, or any combination of those
22 capacities shall be awarded 0.5 point for each year of
23 successful service in one or more of those capacities, up
24 to a maximum of 5 points. Certified Firefighter III and
25 State of Illinois or nationally licensed paramedics shall
26 be awarded one point per year up to a maximum of 5 points.

1 Applicants from outside the municipality who were employed
2 as full-time firefighters or firefighter-paramedics by a
3 fire protection district or another municipality for at
4 least 2 years shall be awarded 5 experience preference
5 points. These additional points presuppose a rating scale
6 totaling 100 points available for the eligibility list. If
7 more or fewer points are used in the rating scale for the
8 eligibility list, the points awarded under this subsection
9 shall be increased or decreased by a factor equal to the
10 total possible points available for the examination
11 divided by 100.

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

1 awarded. Any remaining ties on the list shall be determined
2 by lot.

3 (6) Residency preference. Applicants whose principal
4 residence is located within the fire department's
5 jurisdiction shall be preferred for appointment to and
6 employment with the fire department.

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

11 (7.5) Apprentice preferences. A person who has
12 performed fire suppression service for a department as a
13 firefighter apprentice and otherwise meet the
14 qualifications for original appointment as a firefighter
15 specified in this Section are eligible to be awarded up to
16 20 preference points. To qualify for preference points, an
17 applicant shall have completed a minimum of 600 hours of
18 fire suppression work on a regular shift for the affected
19 fire department over a 12-month period. The fire
20 suppression work must be in accordance with Section
21 10-2.1-4 of this Division and the terms established by a
22 Joint Apprenticeship Committee included in a collective
23 bargaining agreement agreed between the employer and its
24 certified bargaining agent. An eligible applicant must
25 apply to the Joint Apprenticeship Committee for preference
26 points under this item. The Joint Apprenticeship Committee

1 shall evaluate the merit of the applicant's performance,
2 determine the preference points to be awarded, and certify
3 the amount of points awarded to the commissioners. The
4 commissioners may add the certified preference points to
5 the final grades achieved by the applicant on the other
6 components of the examination.

7 (8) Scoring of preferences. The commission may 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 may give preference for original appointment to
12 persons designated in item (7.5) by adding to the final
13 grade the amount of points designated by the Joint
14 Apprenticeship Committee as defined in item (7.5). The
15 commission shall determine the number of preference points
16 for each category, except (1) and (7.5). The number of
17 preference points for each category shall range from 0 to
18 5, except item (7.5). In determining the number of
19 preference points, the commission shall prescribe that if a
20 candidate earns the maximum number of preference points in
21 all categories except item (7.5), that number may not be
22 less than 10 nor more than 30. The commission shall give
23 preference for original appointment to persons designated
24 in items (2) through (7) by adding the requisite number of
25 points to the final grade for each recognized preference
26 achieved. The numerical result thus attained shall be

1 applied by the commission in determining the final
2 eligibility list and appointment from the eligibility
3 list. The local appointing authority may prescribe the
4 total number of preference points awarded under this
5 Section, but the total number of preference points, except
6 item (7.5), shall not be less than 10 points or more than
7 30 points. Apprentice preference points may be added in
8 addition to other preference points awarded by the
9 commission.

10 No person entitled to any preference shall be required to
11 claim the credit before any examination held under the
12 provisions of this Section, but the preference may be given
13 after the posting or publication of the initial eligibility
14 list or register at the request of a person entitled to a
15 credit before any certification or appointments are made from
16 the eligibility register, upon the furnishing of verifiable
17 evidence and proof of qualifying preference credit. Candidates
18 who are eligible for preference credit may make a claim in
19 writing within 10 days after the posting of the initial
20 eligibility list, or the claim may be deemed waived. Final
21 eligibility registers may be established after the awarding of
22 verified preference points. However, apprentice preference
23 credit earned subsequent to the establishment of the final
24 eligibility register may be applied to the applicant's score
25 upon certification by the Joint Apprenticeship Committee to the
26 commission and the rank order of candidates on the final

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

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

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

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

1 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,
2 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and subsections
3 1, 6, and 8 of Section 24-1 of the Criminal Code of 1961 or the
4 Criminal Code of 2012, or arrest for any cause without
5 conviction thereon. Any such person who is in the department
6 may be removed on charges brought for violating this subsection
7 and after a trial as hereinafter provided.

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

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

22 (j) Temporary appointments. In order to prevent a stoppage
23 of public business, to meet extraordinary exigencies, or to
24 prevent material impairment of the fire department, the
25 commission may make temporary appointments, to remain in force
26 only until regular appointments are made under the provisions

1 of this Division, but never to exceed 60 days. No temporary
2 appointment of any one person shall be made more than twice in
3 any calendar year.

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

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

14 (Source: P.A. 100-252, eff. 8-22-17; 101-489, eff. 8-23-19;
15 revised 11-26-19.)

16 Section 10. The Fire Protection District Act is amended by
17 changing Section 16.06b as follows:

18 (70 ILCS 705/16.06b)

19 Sec. 16.06b. Original appointments; full-time fire
20 department.

21 (a) Applicability. Unless a commission elects to follow the
22 provisions of Section 16.06c, this Section shall apply to all
23 original appointments to an affected full-time fire
24 department. Existing registers of eligibles shall continue to

1 be valid until their expiration dates, or up to a maximum of 2
2 years after August 4, 2011 (the effective date of Public Act
3 97-251) ~~this amendatory Act of the 97th General Assembly.~~

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

15 A fire protection district that is operating under a court
16 order or consent decree regarding original appointments to a
17 full-time fire department before August 4, 2011 (the effective
18 date of Public Act 97-251) ~~this amendatory Act of the 97th~~
19 ~~General Assembly~~ is exempt from the requirements of this
20 Section for the duration of the court order or consent decree.

21 (b) Original appointments. All original appointments made
22 to an affected fire department shall be made from a register of
23 eligibles established in accordance with the processes
24 required by this Section. Only persons who meet or exceed the
25 performance standards required by the Section shall be placed
26 on a register of eligibles for original appointment to an

1 affected fire department.

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

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

1 eligibles.

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

23 For the purposes of this Section, "firefighter" means any
24 person who has been prior to, on, or after August 4, 2011 (the
25 effective date of Public Act 97-251) ~~this amendatory Act of the~~
26 ~~97th General Assembly~~ appointed to a fire department or fire

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

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

1 district may charge a fee to cover the costs of the application
2 process.

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

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

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

25 (2) any person who has served a fire district as a
26 regularly enrolled volunteer, paid-on-call, or part-time

1 ~~firefighter for the 5 years immediately preceding the time~~
2 ~~that the district begins to use full-time firefighters to~~
3 ~~provide all or part of its fire protection service; or~~

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

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

12 No applicant shall be examined concerning his or her
13 political or religious opinions or affiliations. The
14 examinations shall be conducted by the commissioners of the
15 district or their designees and agents.

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

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

19 (d) Notice, examination, and testing components. Notice of
20 the time, place, general scope, merit criteria for any
21 subjective component, and fee of every examination shall be
22 given by the commission, by a publication at least 2 weeks
23 preceding the examination: (i) in one or more newspapers
24 published in the district, or if no newspaper is published
25 therein, then in one or more newspapers with a general
26 circulation within the district, or (ii) on the fire protection

1 district's Internet website. Additional notice of the
2 examination may be given as the commission shall prescribe.

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

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

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 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 may be based
16 on standards developed, or approved, by the local
17 appointing authority.

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

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

26 The tests utilized to measure each applicant's

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

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

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

24 The examination components for an initial eligibility
25 register shall be graded on a 100-point scale. A person's
26 position on the list shall be determined by the following: (i)

1 the person's score on the written examination, (ii) the person
2 successfully passing the physical ability component, and (iii)
3 the person's results on any subjective component as described
4 in subsection (d).

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

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

25 Commissions may conduct additional examinations, including
26 without limitation a polygraph test, after a final eligibility

1 register is established and before it expires with the
2 candidates ranked by total score without regard to date of
3 examination. No more than 60 days after each examination, an
4 initial eligibility list shall be posted by the commission
5 showing the final grades of the candidates without reference to
6 priority of time of examination and subject to claim for
7 preference credit.

8 (h) Preferences. The following are preferences:

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

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

24 (3) Educational preference. Persons who have
25 successfully obtained an associate's degree in the field of
26 fire service or emergency medical services, or a bachelor's

1 degree from an accredited college or university may be
2 preferred for appointment to and employment with the fire
3 department.

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

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

22 Upon request by the commission, the governing body of
23 the district or in the case of applicants from outside the
24 district the governing body of any other fire protection
25 district or any municipality shall certify to the
26 commission, within 10 days after the request, the number of

1 years of successful paid-on-call, part-time, or full-time
2 service of any person. A candidate may not receive the full
3 amount of preference points under this subsection if the
4 amount of points awarded would place the candidate before a
5 veteran on the eligibility list. If more than one candidate
6 receiving experience preference points is prevented from
7 receiving all of their points due to not being allowed to
8 pass a veteran, the candidates shall be placed on the list
9 below the veteran in rank order based on the totals
10 received if all points under this subsection were to be
11 awarded. Any remaining ties on the list shall be determined
12 by lot.

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

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

21 (7.5) Apprentice preferences. A person who has
22 performed fire suppression service for a department as a
23 firefighter apprentice and otherwise meet the
24 qualifications for original appointment as a firefighter
25 specified in this Section are eligible to be awarded up to
26 20 preference points. To qualify for preference points, an

1 applicant shall have completed a minimum of 600 hours of
2 fire suppression work on a regular shift for the affected
3 fire department over a 12-month period. The fire
4 suppression work must be in accordance with Section 16.06
5 of this Act and the terms established by a Joint
6 Apprenticeship Committee included in a collective
7 bargaining agreement agreed between the employer and its
8 certified bargaining agent. An eligible applicant must
9 apply to the Joint Apprenticeship Committee for preference
10 points under this item. The Joint Apprenticeship Committee
11 shall evaluate the merit of the applicant's performance,
12 determine the preference points to be awarded, and certify
13 the amount of points awarded to the commissioners. The
14 commissioners may add the certified preference points to
15 the final grades achieved by the applicant on the other
16 components of the examination.

17 (8) Scoring of preferences. The commission shall give
18 preference for original appointment to persons designated
19 in item (1) by adding to the final grade that they receive
20 5 points for the recognized preference achieved. The
21 commission may give preference for original appointment to
22 persons designated in item (7.5) by adding to the final
23 grade the amount of points designated by the Joint
24 Apprenticeship Committee as defined in item (7.5). The
25 commission shall determine the number of preference points
26 for each category, except (1) and (7.5). The number of

1 preference points for each category shall range from 0 to
2 5, except item (7.5). In determining the number of
3 preference points, the commission shall prescribe that if a
4 candidate earns the maximum number of preference points in
5 all categories except item (7.5), that number may not be
6 less than 10 nor more than 30. The commission shall give
7 preference for original appointment to persons designated
8 in items (2) through (7) by adding the requisite number of
9 points to the final grade for each recognized preference
10 achieved. The numerical result thus attained shall be
11 applied by the commission in determining the final
12 eligibility list and appointment from the eligibility
13 list. The local appointing authority may prescribe the
14 total number of preference points awarded under this
15 Section, but the total number of preference points, except
16 item (7.5), shall not be less than 10 points or more than
17 30 points. Apprentice preference points may be added in
18 addition to other preference points awarded by the
19 commission.

20 No person entitled to any preference shall be required to
21 claim the credit before any examination held under the
22 provisions of this Section, but the preference shall be given
23 after the posting or publication of the initial eligibility
24 list or register at the request of a person entitled to a
25 credit before any certification or appointments are made from
26 the eligibility register, upon the furnishing of verifiable

1 evidence and proof of qualifying preference credit. Candidates
2 who are eligible for preference credit shall make a claim in
3 writing within 10 days after the posting of the initial
4 eligibility list, or the claim shall be deemed waived. Final
5 eligibility registers shall be established after the awarding
6 of verified preference points. However, apprentice preference
7 credit earned subsequent to the establishment of the final
8 eligibility register may be applied to the applicant's score
9 upon certification by the Joint Apprenticeship Committee to the
10 commission and the rank order of candidates on the final
11 eligibility register shall be adjusted accordingly. All
12 employment shall be subject to the commission's initial hire
13 background review including, but not limited to, criminal
14 history, employment history, moral character, oral
15 examination, and medical and psychological examinations, all
16 on a pass-fail basis. The medical and psychological
17 examinations must be conducted last, and may only be performed
18 after a conditional offer of employment has been extended.

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

26 The commission shall strike off the names of candidates for

1 original appointment after the names have been on the list for
2 more than 2 years.

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

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

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

1 conformance with the requirements of Section 2605-400 of the
2 State Police Law of the Civil Administrative Code of Illinois,
3 the Department of State Police is authorized to furnish,
4 pursuant to positive identification, the information contained
5 in State files as is necessary to fulfill the request.

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

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

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

24 (Source: P.A. 100-252, eff. 8-22-17; 101-489, eff. 8-23-19;
25 revised 11-26-19.)

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.