

# HB0409



## 102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

**HB0409**

Introduced 2/8/2021, by Rep. Jay Hoffman

### SYNOPSIS AS INTRODUCED:

50 ILCS 742/5

Amends the Fire Department Promotion Act. Makes a technical change in a Section concerning definitions.

LRB102 04315 AWJ 14333 b

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 Fire Department Promotion Act is amended by  
5 changing Section 5 as follows:

6 (50 ILCS 742/5)

7 Sec. 5. Definitions. In this Act:

8 "Affected department" or "department" means a full-time  
9 municipal fire department that ~~that~~ is subject to a collective  
10 bargaining agreement or the fire department operated by a  
11 full-time fire protection district. The terms do not include  
12 fire departments operated by the State, a university, or a  
13 municipality with a population over 1,000,000 or any unit of  
14 local government other than a municipality or fire protection  
15 district. The terms also do not include a combined department  
16 that was providing both police and firefighting services on  
17 January 1, 2002.

18 "Appointing authority" means the Board of Fire and Police  
19 Commissioners, Board of Fire Commissioners, Civil Service  
20 Commissioners, Superintendent or Department Head, Fire  
21 Protection District Board of Trustees, or other entity having  
22 the authority to administer and grant promotions in an  
23 affected department.

1 "Promotion" means any appointment or advancement to a rank  
2 within the affected department (1) for which an examination  
3 was required before January 1, 2002; (2) that is included  
4 within a bargaining unit; or (3) that is the next rank  
5 immediately above the highest rank included within a  
6 bargaining unit, provided such rank is not the only rank  
7 between the Fire Chief and the highest rank included within  
8 the bargaining unit, or is a rank otherwise excepted under  
9 item (i), (ii), (iii), (iv), or (v) of this definition.  
10 "Promotion" does not include appointments (i) that are for  
11 fewer than 180 days; (ii) to the positions of Superintendent,  
12 Chief, or other chief executive officer; (iii) to an  
13 exclusively administrative or executive rank for which an  
14 examination is not required; (iv) to a rank that was exempted  
15 by a home rule municipality prior to January 1, 2002, provided  
16 that after the effective date of this Act no home rule  
17 municipality may exempt any future or existing ranks from the  
18 provisions of this Act; or (v) to an administrative rank  
19 immediately below the Superintendent, Chief, or other chief  
20 executive officer of an affected department, provided such  
21 rank shall not be held by more than 2 persons and there is a  
22 promoted rank immediately below it. Notwithstanding the  
23 exceptions to the definition of "promotion" set forth in items  
24 (i), (ii), (iii), (iv), and (v) of this definition, promotions  
25 shall include any appointments to ranks covered by the terms  
26 of a collective bargaining agreement in effect on the

1 effective date of this Act.

2 "Preliminary promotion list" means the rank order of  
3 eligible candidates established in accordance with subsection  
4 (b) of Section 20 prior to applicable veteran's preference  
5 points. A person on the preliminary promotion list who is  
6 eligible for veteran's preference under the laws and  
7 agreements applicable to the appointing authority may file a  
8 written application for that preference within 10 days after  
9 the initial posting of the preliminary promotion list. The  
10 preference shall be calculated in accordance with Section 55  
11 and applied as an addition to the person's total point score on  
12 the examination. The appointing authority shall make  
13 adjustments to the preliminary promotion list based on any  
14 veteran's preference claimed and the final adjusted promotion  
15 list shall then be posted by the appointing authority.

16 "Rank" means any position within the chain of command of a  
17 fire department to which employees are regularly assigned to  
18 perform duties related to providing fire suppression, fire  
19 prevention, or emergency services.

20 "Final adjusted promotion list" means the promotion list  
21 for the position that is in effect on the date the position is  
22 created or the vacancy occurs. If there is no final adjusted  
23 promotion list in effect for that position on that date, or if  
24 all persons on the current final adjusted promotion list for  
25 that position refuse the promotion, the affected department  
26 shall not make a permanent promotion until a new final

1 adjusted promotion list has been prepared in accordance with  
2 this Act, but may make a temporary appointment to fill the  
3 vacancy. Temporary appointments shall not exceed 180 days.

4 Each component of the promotional test shall be scored on  
5 a scale of 100 points. The component scores shall then be  
6 reduced by the weighting factor assigned to the component on  
7 the test and the scores of all components shall be added to  
8 produce a total score based on a scale of 100 points.

9 (Source: P.A. 93-411, eff. 8-4-03.)