



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB0809

Introduced 2/10/2021, by Rep. Jay Hoffman

SYNOPSIS AS INTRODUCED:

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

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

LRB102 10592 AWJ 15921 b

1 AN ACT concerning local government.

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

4 Section 5. The Illinois Municipal Code is amended by
5 changing Sections 10-1-7.2 and 10-2.1-6.4 as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (3) The ability to carry out critical, time-sensitive,
25 and complex problem solving during physical exertion in
26 stressful and hazardous environments. The testing

1 environment may be hot and dark with tightly enclosed
2 spaces, flashing lights, sirens, and other distractions.

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

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

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

1 score as set by the JLMC, including any applicable preference
2 points, shall be placed on the master register of eligibles by
3 the JLMC.

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

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

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

19 No person entitled to preference or credit shall be
20 required to claim the credit before any examination held under
21 the provisions of this Section. The preference shall be given
22 after the posting or publication of the applicant's initial
23 score at the request of the person before finalizing the
24 scores from all applicants taking part in a JLMC examination.
25 Candidates who are eligible for preference credit shall make a
26 claim in writing within 10 days after the posting of the

1 initial scores from any JLMC test or the claim shall be deemed
2 waived. Once preference points are awarded, the candidates
3 shall be certified to the master register in accordance with
4 their final score including preference points.

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

26 (j) Selection from list. Any municipality or fire

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

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

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

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

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

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

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

11 (l) Applicability. This Section does not apply to a
12 municipality with more than 1,000,000 inhabitants.

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

15 (65 ILCS 5/10-2.1-6.4)

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

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

1 register of eligibles, or to contract with a testing agency to
2 establish or operate such program or register, unless the
3 Joint Labor and Management Committee chooses to do so.

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

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

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

25 Qualified candidates shall be listed on the master
26 register of eligibles in highest to lowest rank order

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

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

25 (c) Qualifications for placement on register of eligibles.

26 The purpose for establishing a master register of eligibles

1 shall be to identify applicants who possess and demonstrate
2 the mental aptitude and physical ability to perform the duties
3 required of members of the fire department in order to provide
4 the highest quality of service to the public. To this end, all
5 applicants for original appointment to an affected fire
6 department through examination conducted by the Joint Labor
7 and Management Committee (JLMC) shall be subject to
8 examination and testing which shall be public, competitive,
9 and open to all applicants. Any examination and testing
10 procedure utilized under subsection (e) of this Section shall
11 be supported by appropriate validation evidence and shall
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13 subjective component of the testing must be administered by
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22 testing agency, as applicable, by a publication at least 30
23 days preceding the examination, in one or more newspapers
24 published in the region, or if no newspaper is published
25 therein, then in one or more newspapers with a general
26 circulation within the region. The JLMC may publish the notice

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

3 (d) Examination and testing components for placement on
4 register of eligibles. The examination and qualifying
5 standards for placement on the master register of eligibles
6 and employment shall be based on the following components:
7 mental aptitude, physical ability, preferences, moral
8 character, and health. The mental aptitude, physical ability,
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16 aptitude shall be based upon written examination and an
17 applicant's prior experience demonstrating an aptitude for and
18 commitment to service as a member of a fire department.
19 Written examinations shall be practical in character and
20 relate to those matters that fairly test the capacity of the
21 persons examined to discharge the duties performed by members
22 of a fire department. Written examinations shall be
23 administered in a manner that ensures the security and
24 accuracy of the scores achieved. Any subjective component of
25 the testing must be administered by certified assessors. No
26 person who does not possess a high school diploma or an

1 equivalent high school education shall be placed on a register
2 of eligibles. Local commissions may establish educational,
3 emergency medical service licensure, and other pre-requisites
4 for hire within their jurisdiction.

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

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22 Tests shall be conducted under anaerobic as well as
23 aerobic conditions to test both the candidate's speed and
24 endurance in performing tasks and evolutions. Tasks tested
25 are to be based on industry standards developed by the
26 JLMC by rule.

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2 heights, walk or crawl in the dark along narrow and uneven
3 surfaces, and operate in proximity to hazardous
4 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 (g) Scoring of examination components. The examination
16 components shall be graded on a 100-point scale. A person's
17 position on the master register of eligibles shall be
18 determined by the person's score on the written examination,
19 the person successfully passing the physical ability
20 component, and the addition of any applicable preference
21 points.

22 Applicants who have achieved at least the minimum score as
23 set by the JLMC, and who successfully pass the physical
24 ability examination shall be placed on the initial eligibility
25 register. Minimum scores should be set by the commission so as
26 to demonstrate a candidate's ability to perform the essential

1 functions of the job. The minimum score set by the commission
2 shall be supported by appropriate validation evidence and
3 shall comply with all applicable State and federal laws.
4 Applicable preference points shall be added to the written
5 examination scores for all applicants who qualify for the
6 initial eligibility register. Applicants who score at or above
7 the minimum passing score as set by the JLMC, including any
8 applicable preference points, shall be placed on the master
9 register of eligibles by the JLMC.

10 These persons shall take rank upon the register as
11 candidates in the order of their relative excellence based on
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17 master register of eligibles shall be posted by the JLMC
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19 to priority of time of examination.

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21 and experience preference points to those who qualify for
22 placement on the master register of eligibles, on the same
23 basis as provided for examinations administered by a local
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25 No person entitled to preference or credit shall be
26 required to claim the credit before any examination held under

1 the provisions of this Section. The preference shall be given
2 after the posting or publication of the applicant's initial
3 score at the request of the person before finalizing the
4 scores from all applicants taking part in a JLMC examination.
5 Candidates who are eligible for preference credit shall make a
6 claim in writing within 10 days after the posting of the
7 initial scores from any JLMC test or the claim shall be deemed
8 waived. Once preference points are awarded, the candidates
9 shall be certified to the master register in accordance with
10 their final score including preference points.

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

1 examinations which may include polygraph, psychological, and
2 drug screening components, all on a pass-fail basis. The
3 medical examinations must be conducted last, and may only be
4 performed after a conditional offer of employment has been
5 extended.

6 (j) Selection from list. Any municipality or fire
7 protection district that is a party to an intergovernmental
8 agreement under the terms of which persons have been tested
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12 employment shall be to the position of firefighter apprentice
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15 firefighter apprentice or a firefighter-paramedic apprentice
16 who shall serve an apprenticeship period of 12 months or less
17 according to the terms and conditions of employment as the
18 employing municipality or district offers, or as provided for
19 under the terms of any collective bargaining agreement then in
20 effect. The apprenticeship period is separate from the
21 probationary period.

22 Service during the apprenticeship period shall be on a
23 probationary basis. During the apprenticeship period, the
24 apprentice's training and performance shall be monitored and
25 evaluated by a Joint Apprenticeship Committee.

26 The Joint Apprenticeship Committee shall consist of 4

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

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5 apprentice a certificate of original appointment to the fire
6 department.

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

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

17 (l) Applicability. This Section does not apply to a
18 municipality with more than 1,000,000 inhabitants.

19 (Source: P.A. 97-251, eff. 8-4-11; 97-898, eff. 8-6-12;
20 98-760, eff. 7-16-14.)

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

23 (70 ILCS 705/16.06c)

24 Sec. 16.06c. Alternative procedure; original appointment;

1 full-time firefighter.

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

13 For the purposes of this Section, "firefighter" means any
14 person who has been prior to, on, or after the effective date
15 of this amendatory Act of the 97th General Assembly appointed
16 to a fire department or fire protection district or employed
17 by a State university and sworn or commissioned to perform
18 firefighter duties or paramedic duties, or both, except that
19 the following persons are not included: part-time
20 firefighters; auxiliary, reserve, or voluntary firefighters,
21 including paid-on-call firefighters; clerks and dispatchers or
22 other civilian employees of a fire department or fire
23 protection district who are not routinely expected to perform
24 firefighter duties; and elected officials.

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

1 Persons who have participated in and received a
2 passing total score on the mental aptitude, physical
3 ability, and preference components of a regionally
4 administered test based on the standards described in this
5 Section. The standards for administering these tests and
6 the minimum passing score required for placement on this
7 list shall be as is set forth in this Section.

8 Qualified candidates shall be listed on the master
9 register of eligibles in highest to lowest rank order
10 based upon their test scores without regard to their date
11 of examination. Candidates listed on the master register
12 of eligibles shall be eligible for appointment for 2 years
13 after the date of the certification of their final score
14 on the register without regard to the date of their
15 examination. After 2 years, the candidate's name shall be
16 struck from the list.

17 Any person currently employed as a full-time member of
18 a fire department or any person who has experienced a
19 non-voluntary (and non-disciplinary) separation from the
20 active workforce due to a reduction in the number of
21 departmental officers, who was appointed pursuant to
22 Division 1 of Article 10 of the Illinois Municipal Code,
23 Division 2.1 of Article 10 of the Illinois Municipal Code,
24 or the Fire Protection District Act, and who during the
25 previous 24 months participated in and received a passing
26 score on the physical ability and mental aptitude

1 components of the test may request that his or her name be
2 added to the master register. Any eligible person may be
3 offered employment by a local commission under the same
4 procedures as provided by this Section except that the
5 apprenticeship period may be waived and the applicant may
6 be immediately issued a certificate of original
7 appointment by the local commission.

8 (c) Qualifications for placement on register of eligibles.
9 The purpose for establishing a master register of eligibles
10 shall be to identify applicants who possess and demonstrate
11 the mental aptitude and physical ability to perform the duties
12 required of members of the fire department in order to provide
13 the highest quality of service to the public. To this end, all
14 applicants for original appointment to an affected fire
15 department through examination conducted by the Joint Labor
16 and Management Committee (JLMC) shall be subject to
17 examination and testing which shall be public, competitive,
18 and open to all applicants. Any examination and testing
19 procedure utilized under subsection (e) of this Section shall
20 be supported by appropriate validation evidence and shall
21 comply with all applicable state and federal laws. Any
22 subjective component of the testing must be administered by
23 certified assessors. All qualifying and disqualifying factors
24 applicable to examination processes for local commissions in
25 this amendatory Act of the 97th General Assembly shall be
26 applicable to persons participating in Joint Labor and

1 Management Committee examinations unless specifically provided
2 otherwise in this Section.

3 Notice of the time, place, general scope, and fee of every
4 JLMC examination shall be given by the JLMC or designated
5 testing agency, as applicable, by a publication at least 30
6 days preceding the examination, in one or more newspapers
7 published in the region, or if no newspaper is published
8 therein, then in one or more newspapers with a general
9 circulation within the region. The JLMC may publish the notice
10 on the JLMC's Internet website. Additional notice of the
11 examination may be given as the JLMC shall prescribe.

12 (d) Examination and testing components for placement on
13 register of eligibles. The examination and qualifying
14 standards for placement on the master register of eligibles
15 and employment shall be based on the following components:
16 mental aptitude, physical ability, preferences, moral
17 character, and health. The mental aptitude, physical ability,
18 and preference components shall determine an applicant's
19 qualification for and placement on the master register of
20 eligibles. The consideration of an applicant's general moral
21 character and health shall be administered on a pass-fail
22 basis after a conditional offer of employment is made by a
23 local commission.

24 (e) Mental aptitude. Examination of an applicant's mental
25 aptitude shall be based upon written examination and an
26 applicant's prior experience demonstrating an aptitude for and

1 commitment to service as a member of a fire department.
2 Written examinations shall be practical in character and
3 relate to those matters that fairly test the capacity of the
4 persons examined to discharge the duties performed by members
5 of a fire department. Written examinations shall be
6 administered in a manner that ensures the security and
7 accuracy of the scores achieved. Any subjective component of
8 the testing must be administered by certified assessors. No
9 person who does not possess a high school diploma or an
10 equivalent high school education shall be placed on a register
11 of eligibles. Local commissions may establish educational,
12 emergency medical service licensure, and other pre-requisites
13 for hire within their jurisdiction.

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

1 dimensions:

2 (1) Muscular strength to perform tasks and evolutions
3 that may be required in the performance of duties
4 including grip strength, leg strength, and arm strength.
5 Tests shall be conducted under anaerobic as well as
6 aerobic conditions to test both the candidate's speed and
7 endurance in performing tasks and evolutions. Tasks tested
8 are to be based on industry standards developed by the
9 JLMC by rule.

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

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

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

24 (g) Scoring of examination components. The examination
25 components shall be graded on a 100-point scale. A person's
26 position on the master register of eligibles shall be

1 determined by the person's score on the written examination,
2 the person successfully passing the physical ability
3 component, and the addition of any applicable preference
4 points.

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

20 These persons shall take rank upon the register as
21 candidates in the order of their relative excellence based on
22 the highest to the lowest total points scored on the mental
23 aptitude and physical ability components, plus any applicable
24 preference points requested and verified by the JLMC, or
25 approved testing agency.

26 No more than 60 days after each examination, a revised

1 master register of eligibles shall be posted by the JLMC
2 showing the final grades of the candidates without reference
3 to priority of time of examination.

4 (h) Preferences. The board shall give military, education,
5 and experience preference points to those who qualify for
6 placement on the master register of eligibles, on the same
7 basis as provided for examinations administered by a local
8 commission.

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

21 (i) Firefighter apprentice and firefighter-paramedic
22 apprentice. The employment of an applicant to an apprentice
23 position (including a currently employed full-time member of a
24 fire department whose apprenticeship may be reduced or waived)
25 shall be subject to the applicant passing the moral character
26 standards and health examinations of the local commission. In

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

16 (j) Selection from list. Any municipality or fire
17 protection district that is a party to an intergovernmental
18 agreement under the terms of which persons have been tested
19 for placement on the master register of eligibles shall be
20 entitled to offer employment to any person on the list
21 irrespective of their ranking on the list. The offer of
22 employment shall be to the position of firefighter apprentice
23 or firefighter-paramedic apprentice.

24 Applicants passing these tests may be employed as a
25 firefighter apprentice or a firefighter-paramedic apprentice
26 who shall serve an apprenticeship period of 12 months or less

1 according to the terms and conditions of employment as the
2 employing municipality or district offers, or as provided for
3 under the terms of any collective bargaining agreement then in
4 effect. The apprenticeship period is separate from the
5 probationary period.

6 Service during the apprenticeship period shall be on a
7 probationary basis. During the apprenticeship period, the
8 apprentice's training and performance shall be monitored and
9 evaluated by a Joint Apprenticeship Committee.

10 The Joint Apprenticeship Committee shall consist of 4
11 members who shall be regular members of the fire department
12 with at least 10 years of full-time work experience as a
13 firefighter or firefighter-paramedic. The fire chief and the
14 president of the exclusive bargaining representative
15 recognized by the employer shall each appoint 2 members to the
16 Joint Apprenticeship Committee. In the absence of an exclusive
17 collective bargaining representative, the chief shall appoint
18 the remaining 2 members who shall be from the ranks of company
19 officer and firefighter with at least 10 years of work
20 experience as a firefighter or firefighter-paramedic. In the
21 absence of a sufficient number of qualified firefighters, the
22 Joint Apprenticeship Committee members shall have the amount
23 of experience and the type of qualifications as is reasonable
24 given the circumstances of the fire department. In the absence
25 of a full-time member in a rank between chief and the highest
26 rank in a bargaining unit, the Joint Apprenticeship Committee

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

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

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

1 (Source: P.A. 97-251, eff. 8-4-11; 97-898, eff. 8-6-12;
2 98-760, eff. 7-16-14.)