



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB2150

Introduced 2/26/2021, by Sen. 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.

LRB102 17130 RLC 22561 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  
10 the provisions of Section 10-1-7.2, this Section shall apply  
11 to all 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  
3 position or vacancy due to resignation, discharge, promotion,  
4 death, the granting of a disability or retirement pension, or  
5 any other cause, the appointing authority shall appoint to  
6 that position the person with the highest ranking on the final  
7 eligibility list. If the appointing authority has reason to  
8 conclude that the highest ranked person fails to meet the  
9 minimum standards for the position or if the appointing  
10 authority believes an alternate candidate would better serve  
11 the needs of the department, then the appointing authority has  
12 the right to pass over the highest ranked person and appoint  
13 either: (i) any person who has a ranking in the top 5% of the  
14 register of eligibles or (ii) any person who is among the top 5  
15 highest ranked persons on the list of eligibles if the number  
16 of people who have a ranking in the top 5% of the register of  
17 eligibles 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  
22 not prejudice a person's opportunities to participate in  
23 future examinations, including an examination held during the  
24 time a 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  
7 eligibles to fill a vacancy in the affected department, each  
8 appointee shall be presented with his or her certificate of  
9 appointment on the day on which he or she is sworn in as a  
10 classified member of the affected department. Firefighters who  
11 were not issued a certificate of appointment when originally  
12 appointed shall be provided with a certificate within 10 days  
13 after making a written request to the chairperson of the Civil  
14 Service 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~~  
21 ~~the 97th General Assembly~~ appointed to a fire department or  
22 fire protection district or employed by a State university and  
23 sworn or commissioned to perform firefighter duties or  
24 paramedic duties, or both, except that the following persons  
25 are not included: part-time firefighters; auxiliary, reserve,  
26 or voluntary firefighters, including paid-on-call

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

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

25 Residency requirements in effect at the time an individual  
26 enters the fire service of a municipality cannot be made more

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

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

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

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

26 (3) any person who turned 35 while serving as a member

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

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

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

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

24 In the event that any applicant who has been found  
25 eligible for appointment and whose name has been placed upon  
26 the final eligibility register provided for in this Division 1



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

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

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

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

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

1 frequency of the occurrence of those duties as part of the fire  
2 department's regular routine shall not be a controlling factor  
3 in the design of examination criteria or evolutions selected  
4 for testing. These physical examinations shall be open,  
5 competitive, and based on industry standards designed to test  
6 each applicant's physical abilities in the following  
7 dimensions:

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

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

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

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

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

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

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

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

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

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

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

1 bachelor's degree from an accredited college or university  
2 may be preferred for appointment to and employment with  
3 the fire 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 municipality who have been paid-on-call or part-time  
10 certified Firefighter II, certified Firefighter III, State  
11 of 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  
14 applicant may not be awarded more than 0.5 points for each  
15 complete year of paid-on-call or part-time service.  
16 Applicants from outside the municipality who were employed  
17 as full-time firefighters or firefighter-paramedics by a  
18 fire protection district or another municipality may be  
19 awarded up to 5 experience preference points. However, the  
20 applicant may not be awarded more than one point for each  
21 complete year of full-time service.

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

1 of years of successful paid-on-call, part-time, or  
2 full-time service of any person. A candidate may not  
3 receive the full amount of preference points under this  
4 subsection if the amount of points awarded would place the  
5 candidate before a veteran on the eligibility list. If  
6 more than one candidate receiving experience preference  
7 points is prevented from receiving all of their points due  
8 to not being allowed to pass a veteran, the candidates  
9 shall be placed on the list below the veteran in rank order  
10 based on the totals received if all points under this  
11 subsection were to be awarded. Any remaining ties on the  
12 list shall be determined 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 may be awarded up to 20  
26 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  
5 10-1-14 of this Division and the terms established by a  
6 Joint 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  
4 a candidate earns the maximum number of preference points  
5 in all categories except item (7.5), that number may not  
6 be 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  
10 the 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

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

3 (i) Moral character. No person shall be appointed to a  
4 fire department unless he or she is a person of good character;  
5 not 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  
13 subsections 1, 6, and 8 of Section 24-1 of the Criminal Code of  
14 1961 or the Criminal Code of 2012, or arrest for any cause  
15 without conviction thereon. Any such person who is in the  
16 department may be removed on charges brought for violating  
17 this subsection 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  
22 the 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  
25 for 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 Division, 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  
16 otherwise knowingly violates or subverts any requirement of  
17 this Section, commits a violation of this Section and may be  
18 subject to 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.)

1 (65 ILCS 5/10-2.1-6.3)

2 Sec. 10-2.1-6.3. Original appointments; full-time fire  
3 department.

4 (a) Applicability. Unless a commission elects to follow  
5 the provisions of Section 10-2.1-6.4, this Section shall apply  
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24 Section. This Section is a limitation under subsection (i) of  
25 Section 6 of Article VII of the Illinois Constitution on the  
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7 the duration of the court order or consent decree.

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

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

18 Whenever an appointing authority authorizes action to hire  
19 a person to perform the duties of a firefighter or to hire a  
20 firefighter-paramedic to fill a position that is a new  
21 position or vacancy due to resignation, discharge, promotion,  
22 death, the granting of a disability or retirement pension, or  
23 any other cause, the appointing authority shall appoint to  
24 that position the person with the highest ranking on the final  
25 eligibility list. If the appointing authority has reason to  
26 conclude that the highest ranked person fails to meet the

1 minimum standards for the position or if the appointing  
2 authority believes an alternate candidate would better serve  
3 the needs of the department, then the appointing authority has  
4 the right to pass over the highest ranked person and appoint  
5 either: (i) any person who has a ranking in the top 5% of the  
6 register of eligibles or (ii) any person who is among the top 5  
7 highest ranked persons on the list of eligibles if the number  
8 of people who have a ranking in the top 5% of the register of  
9 eligibles is less than 5 people.

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

18 The sole authority to issue certificates of appointment  
19 shall be vested in the board of fire and police commissioners.  
20 All certificates of appointment issued to any officer or  
21 member of an affected department shall be signed by the  
22 chairperson and secretary, respectively, of the board upon  
23 appointment of such officer or member to the affected  
24 department by action of the board. After being selected from  
25 the register of eligibles to fill a vacancy in the affected  
26 department, each appointee shall be presented with his or her



1 certificate of appointment on the day on which he or she is  
2 sworn in as a classified member of the affected department.  
3 Firefighters who were not issued a certificate of appointment  
4 when originally appointed shall be provided with a certificate  
5 within 10 days after making a written request to the  
6 chairperson of the board of fire and police commissioners.  
7 Each person who accepts a certificate of appointment and  
8 successfully completes his or her probationary period shall be  
9 enrolled as a firefighter and as a regular member of the fire  
10 department.

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

24 (c) Qualification for placement on register of eligibles.  
25 The purpose of establishing a register of eligibles is to  
26 identify applicants who possess and demonstrate the mental

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

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

26 No person who is 35 years of age or older shall be eligible

1 to take an examination for a position as a firefighter unless  
2 the person has had previous employment status as a firefighter  
3 in the regularly constituted fire department of the  
4 municipality, except as provided in this Section. The age  
5 limitation does not apply to:

6 (1) any person previously employed as a full-time  
7 firefighter in a regularly constituted fire department of

8 (i) any municipality or fire protection district located  
9 in Illinois, (ii) a fire protection district whose  
10 obligations were assumed by a municipality under Section  
11 21 of the Fire Protection District Act, or (iii) a  
12 municipality whose obligations were taken over by a fire  
13 protection district,

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

19 (3) any person who turned 35 while serving as a member  
20 of the active or reserve components of any of the branches  
21 of the Armed Forces of the United States or the National  
22 Guard of any state, whose service was characterized as  
23 honorable or under honorable, if separated from the  
24 military, and is currently under the age of 40.

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

1           No applicant shall be examined concerning his or her  
2 political or religious opinions or affiliations. The  
3 examinations shall be conducted by the commissioners of the  
4 municipality or their designees and agents.

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

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

1 commission, the applicant shall not be appointed. The  
2 applicant's name may be retained upon the register of  
3 candidates eligible for appointment and when next reached for  
4 certification and appointment that applicant may be again  
5 examined as provided in this Section, and if the physical  
6 ability of that applicant is found to be less than the minimum  
7 standard fixed by the rules of the commission, the applicant  
8 shall not be appointed, and the name of the applicant shall be  
9 removed from the register.

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

20 The examination and qualifying standards for employment of  
21 firefighters shall be based on: mental aptitude, physical  
22 ability, preferences, moral character, and health. The mental  
23 aptitude, physical ability, and preference components shall  
24 determine an applicant's qualification for and placement on  
25 the final register of eligibles. The examination may also  
26 include a subjective component based on merit criteria as

1 determined by the commission. Scores from the examination must  
2 be made available to the public.

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

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

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

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

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

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

23          Physical ability examinations administered under this  
24          Section shall be conducted with a reasonable number of  
25          proctors and monitors, open to the public, and subject to  
26          reasonable regulations of the commission.

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

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

23           In order to qualify for placement on the final eligibility  
24 register, an applicant's score on the written examination,  
25 before any applicable preference points or subjective points  
26 are applied, shall be at or above the minimum score as set by



1 the commission. The local appointing authority may prescribe  
2 the score to qualify for placement on the final eligibility  
3 register, but the score shall not be less than the minimum  
4 score set by the commission.

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

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

1 (h) Preferences. The following are preferences:

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

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

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

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

1           (5) Experience preference. All persons employed by a  
2           municipality who have been paid-on-call or part-time  
3           certified Firefighter II, State of Illinois or nationally  
4           licensed EMT, EMT-I, A-EMT, or any combination of those  
5           capacities shall be awarded 0.5 point for each year of  
6           successful service in one or more of those capacities, up  
7           to a maximum of 5 points. Certified Firefighter III and  
8           State of Illinois or nationally licensed paramedics shall  
9           be awarded one point per year up to a maximum of 5 points.  
10          Applicants from outside the municipality who were employed  
11          as full-time firefighters or firefighter-paramedics by a  
12          fire protection district or another municipality for at  
13          least 2 years shall be awarded 5 experience preference  
14          points. These additional points presuppose a rating scale  
15          totaling 100 points available for the eligibility list. If  
16          more or fewer points are used in the rating scale for the  
17          eligibility list, the points awarded under this subsection  
18          shall be increased or decreased by a factor equal to the  
19          total possible points available for the examination  
20          divided by 100.

21          Upon request by the commission, the governing body of  
22          the municipality or in the case of applicants from outside  
23          the municipality the governing body of any fire protection  
24          district or any other municipality shall certify to the  
25          commission, within 10 days after the request, the number  
26          of years of successful paid-on-call, part-time, or

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

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

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

20 (7.5) Apprentice preferences. A person who has  
21 performed fire suppression service for a department as a  
22 firefighter apprentice and otherwise meet the  
23 qualifications for original appointment as a firefighter  
24 specified in this Section are eligible to be awarded up to  
25 20 preference points. To qualify for preference points, an  
26 applicant shall have completed a minimum of 600 hours of

1 fire suppression work on a regular shift for the affected  
2 fire department over a 12-month period. The fire  
3 suppression work must be in accordance with Section  
4 10-2.1-4 of this Division and the terms established by a  
5 Joint Apprenticeship Committee included in a collective  
6 bargaining agreement agreed between the employer and its  
7 certified bargaining agent. An eligible applicant must  
8 apply to the Joint Apprenticeship Committee for preference  
9 points under this item. The Joint Apprenticeship Committee  
10 shall evaluate the merit of the applicant's performance,  
11 determine the preference points to be awarded, and certify  
12 the amount of points awarded to the commissioners. The  
13 commissioners may add the certified preference points to  
14 the final grades achieved by the applicant on the other  
15 components of the examination.

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

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

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

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

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

25 The commission shall strike off the names of candidates  
26 for original appointment after the names have been on the list

1 for more than 2 years.

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

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

22 Whenever a commission is authorized or required by law to  
23 consider some aspect of criminal history record information  
24 for the purpose of carrying out its statutory powers and  
25 responsibilities, then, upon request and payment of fees in  
26 conformance with the requirements of Section 2605-400 of the



1 State Police Law of the Civil Administrative Code of Illinois,  
2 the Department of State Police is authorized to furnish,  
3 pursuant to positive identification, the information contained  
4 in State files as is necessary to fulfill the request.

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

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

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

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

25 Section 10. The Fire Protection District Act is amended by

1 changing Section 16.06b as follows:

2 (70 ILCS 705/16.06b)

3 Sec. 16.06b. Original appointments; full-time fire  
4 department.

5 (a) Applicability. Unless a commission elects to follow  
6 the provisions of Section 16.06c, this Section shall apply to  
7 all original appointments to an affected full-time fire  
8 department. Existing registers of eligibles shall continue to  
9 be valid until their expiration dates, or up to a maximum of 2  
10 years after August 4, 2011 (the effective date of Public Act  
11 97-251) ~~this amendatory Act of the 97th General Assembly.~~

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

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

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

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

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

1 of people who have a ranking in the top 5% of the register of  
2 eligibles is less than 5 people.

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

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

1 of trustees serving in the capacity of a board of fire  
2 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~~  
9 ~~the 97th General Assembly~~ appointed to a fire department or  
10 fire protection district or employed by a State university and  
11 sworn or commissioned to perform firefighter duties or  
12 paramedic duties, or both, except that the following persons  
13 are not included: part-time firefighters; auxiliary, reserve,  
14 or voluntary firefighters, including paid-on-call  
15 firefighters; clerks and dispatchers or other civilian  
16 employees of a fire department or fire protection district who  
17 are not routinely expected to perform firefighter duties; and  
18 elected officials.

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

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

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

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

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

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

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

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

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

26           No district shall require that any firefighter appointed

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

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



1 standard fixed by the rules of the commission, the applicant  
2 shall not be appointed, and the name of the applicant shall be  
3 removed from the register.

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

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

24 (e) Mental aptitude. No person who does not possess at  
25 least a high school diploma or an equivalent high school  
26 education shall be placed on a register of eligibles.

1 Examination of an applicant's mental aptitude shall be based  
2 upon a written examination. The examination shall be practical  
3 in character and relate to those matters that fairly test the  
4 capacity of the persons examined to discharge the duties  
5 performed by members of a fire department. Written  
6 examinations shall be administered in a manner that ensures  
7 the security and accuracy of the scores achieved.

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

22 (1) Muscular strength to perform tasks and evolutions  
23 that may be required in the performance of duties  
24 including grip strength, leg strength, and arm strength.  
25 Tests shall be conducted under anaerobic as well as  
26 aerobic conditions to test both the candidate's speed and

1 endurance in performing tasks and evolutions. Tasks tested  
2 may be based on standards developed, or approved, by the  
3 local appointing authority.

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

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

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

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

22 (g) Scoring of examination components. Appointing  
23 authorities may create a preliminary eligibility register. A  
24 person shall be placed on the list based upon his or her  
25 passage of the written examination or the passage of the  
26 written examination and the physical ability component.

1 Passage of the written examination means attaining the minimum  
2 score set by the commission. Minimum scores should be set by  
3 the appointing authorities so as to demonstrate a candidate's  
4 ability to perform the essential functions of the job. The  
5 minimum score set by the commission shall be supported by  
6 appropriate validation evidence and shall comply with all  
7 applicable State and federal laws. The appointing authority  
8 may conduct the physical ability component and any subjective  
9 components subsequent to the posting of the preliminary  
10 eligibility register.

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

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

26 The commission shall prepare and keep a register of

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

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

22 (h) Preferences. The following are preferences:

23 (1) Veteran preference. Persons who were engaged in  
24 the military service of the United States for a period of  
25 at least one year of active duty and who were honorably  
26 discharged therefrom, or who are now or have been members

1 on inactive or reserve duty in such military or naval  
2 service, shall be preferred for appointment to and  
3 employment with the fire department of an affected  
4 department.

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

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

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

22 (5) Experience preference. All persons employed by a  
23 district who have been paid-on-call or part-time certified  
24 Firefighter II, certified Firefighter III, State of  
25 Illinois or nationally licensed EMT, EMT-I, A-EMT, or  
26 paramedic, or any combination of those capacities may be

1 awarded up to a maximum of 5 points. However, the  
2 applicant may not be awarded more than 0.5 points for each  
3 complete year of paid-on-call or part-time service.  
4 Applicants from outside the district who were employed as  
5 full-time firefighters or firefighter-paramedics by a fire  
6 protection district or municipality for at least 2 years  
7 may be awarded up to 5 experience preference points.  
8 However, the applicant may not be awarded more than one  
9 point for each complete year of full-time service.

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

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

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

9           (7.5) Apprentice preferences. A person who has  
10          performed fire suppression service for a department as a  
11          firefighter apprentice and otherwise meet the  
12          qualifications for original appointment as a firefighter  
13          specified in this Section are eligible to be awarded up to  
14          20 preference points. To qualify for preference points, an  
15          applicant shall have completed a minimum of 600 hours of  
16          fire suppression work on a regular shift for the affected  
17          fire department over a 12-month period. The fire  
18          suppression work must be in accordance with Section 16.06  
19          of this Act and the terms established by a Joint  
20          Apprenticeship Committee included in a collective  
21          bargaining agreement agreed between the employer and its  
22          certified bargaining agent. An eligible applicant must  
23          apply to the Joint Apprenticeship Committee for preference  
24          points under this item. The Joint Apprenticeship Committee  
25          shall evaluate the merit of the applicant's performance,  
26          determine the preference points to be awarded, and certify



1 the amount of points awarded to the commissioners. The  
2 commissioners may add the certified preference points to  
3 the final grades achieved by the applicant on the other  
4 components of the examination.

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

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

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

1 background review including, but not limited to, criminal  
2 history, employment history, moral character, oral  
3 examination, and medical and psychological examinations, all  
4 on a pass-fail basis. The medical and psychological  
5 examinations must be conducted last, and may only be performed  
6 after a conditional offer of employment has been extended.

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

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

17 (i) Moral character. No person shall be appointed to a  
18 fire department unless he or she is a person of good character;  
19 not a habitual drunkard, a gambler, or a person who has been  
20 convicted of a felony or a crime involving moral turpitude.  
21 However, no person shall be disqualified from appointment to  
22 the fire department because of the person's record of  
23 misdemeanor convictions except those under Sections 11-6,  
24 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,  
25 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,  
26 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and

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

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

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

20 (j) Temporary appointments. In order to prevent a stoppage  
21 of public business, to meet extraordinary exigencies, or to  
22 prevent material impairment of the fire department, the  
23 commission may make temporary appointments, to remain in force  
24 only until regular appointments are made under the provisions  
25 of this Section, but never to exceed 60 days. No temporary  
26 appointment of any one person shall be made more than twice in

1 any calendar year.

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

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

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

14 Section 99. Effective date. This Act takes effect upon  
15 becoming law.