



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3115

Introduced 2/17/2023, by Rep. Justin Slaughter

SYNOPSIS AS INTRODUCED:

New Act

55 ILCS 5/3-7010	from Ch. 34, par. 3-7010
55 ILCS 5/3-8012	from Ch. 34, par. 3-8012
65 ILCS 5/10-1-13	from Ch. 24, par. 10-1-13
65 ILCS 5/10-2.1-15	from Ch. 24, par. 10-2.1-15
30 ILCS 805/8.47 new	

Creates the Police Department Promotion Act. Requires municipal police departments and sheriff departments to make promotions in accordance with the Act. Requires the preparation and publishing of promotion lists. Sets components that may be included in the promotion process. Sets requirements for written examinations, the award of seniority points, the award of ascertained merit points, subjective evaluations, and the award of veterans' preferences. Sets penalties for violations of the Act. Limits the concurrent exercise of home rule powers. Contains other provisions. Amends the Counties Code and Illinois Municipal Code to make conforming changes. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB103 25473 AWJ 51822 b

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 1. Short title. This Act may be cited as the Police
5 Department Promotion Act.

6 Section 5. Definitions. In this Act:

7 "Affected department" or "department" means a full-time
8 municipal police department that is subject to a collective
9 bargaining agreement or the full-time members of a police
10 department operated by a county sheriff. "Affected department"
11 or "department" does not include police departments operated
12 by the State or a municipality with a population over
13 1,000,000 or a combined department that was providing both
14 police and firefighting services on January 1, 2002.

15 "Appointing authority" means a board of fire and police
16 commissioners, board of police commissioners, Sheriff's Merit
17 Commission, civil service commissioners, superintendent or
18 department head, or other entity having the authority to
19 administer and grant promotions in an affected department.

20 "Promotion" means any appointment or advancement to a rank
21 within the affected department (1) for which an examination
22 was required before January 1, 2022; (2) that is included
23 within a bargaining unit; or (3) that is the next rank

1 immediately above the highest rank included within a
2 bargaining unit, if the next rank is not the only rank between
3 the police chief or sheriff and the highest rank included
4 within the bargaining unit, or is a rank otherwise excepted
5 under item (i), (ii), (iii), (iv), or (v) of this definition.

6 "Promotion" does not include appointments: (i) that are for
7 fewer than 180 days; (ii) to the positions of superintendent,
8 chief, sheriff, or other chief executive officer; (iii) to an
9 exclusively administrative or executive rank for which an
10 examination is not required; (iv) to a rank that was exempted
11 by a home rule municipality prior to January 1, 2022; or (v) to
12 an administrative rank immediately below the superintendent,
13 chief, sheriff, or other chief executive officer of an
14 affected department if the rank shall not be held by more than
15 2 persons and there is a promoted rank immediately below it.
16 Notwithstanding the exceptions to the definition of
17 "promotion" set forth in items (i), (ii), (iii), (iv), and (v)
18 of this definition, "promotion" includes any appointments to
19 ranks covered by the terms of a collective bargaining
20 agreement in effect on the effective date of this Act.

21 "Preliminary promotion list" means the rank order of
22 eligible candidates established in accordance with subsection
23 (b) of Section 20 prior to applicable veteran's preference
24 points.

25 "Rank" means any position within the chain of command of
26 an affected department to which employees are regularly

1 assigned to perform duties related to providing law
2 enforcement, criminal investigation, or emergency services.

3 "Final-adjusted promotion list" means the promotion list
4 for the position that is in effect on the date the position is
5 created or the vacancy occurs. If there is no final-adjusted
6 promotion list in effect for that position on that date, or if
7 all persons on the current final-adjusted promotion list for
8 that position refuse the promotion, the affected department
9 shall not make a permanent promotion until a new
10 final-adjusted promotion list has been prepared in accordance
11 with this Act, but may make a temporary appointment to fill the
12 vacancy. Temporary appointments shall not exceed 180 days.

13 Section 10. Applicability; home rule.

14 (a) This Act shall apply to all positions in an affected
15 department, except those specifically excluded in items (i),
16 (ii), (iii), (iv), and (v) of the definition of "promotion" in
17 Section 5, unless the positions are covered by a collective
18 bargaining agreement in force on the effective date of this
19 Act. Existing promotion lists shall continue to be valid until
20 their expiration dates or up to a maximum of 3 years after the
21 effective date of this Act.

22 (b) Notwithstanding any statute, ordinance, rule, or other
23 law to the contrary, all promotions in an affected department
24 to which this Act applies shall be administered in the manner
25 provided for in this Act. Provisions of the Illinois Municipal

1 Code, municipal ordinances, or rules adopted pursuant to such
2 authority and other laws relating to promotions in affected
3 departments shall continue to apply to the extent they are
4 compatible with this Act, but, if this Act conflicts with any
5 other law, this Act controls.

6 (c) A home rule or non-home rule municipality may not
7 administer an affected department promotion process in a
8 manner that is inconsistent with this Act. This Section is a
9 limitation under subsection (i) of Section 6 of Article VII of
10 the Illinois Constitution on the concurrent exercise by home
11 rule units of the powers and functions exercised by the State.

12 (d) This Act is intended to serve as a minimum standard and
13 shall be construed to authorize and not to limit any of the
14 following:

15 (1) An appointing authority from establishing
16 different or supplemental promotional criteria or
17 components if the criteria are job-related and applied
18 uniformly.

19 (2) The right of an exclusive bargaining
20 representative to require an employer to negotiate clauses
21 within a collective bargaining agreement relating to
22 conditions, criteria, or procedures for the promotion of
23 employees to ranks covered by this Act.

24 (3) The negotiation by an employer and an exclusive
25 bargaining representative of provisions within a
26 collective bargaining agreement to achieve affirmative

1 action objectives if the clauses are consistent with
2 applicable law.

3 (e) Local authorities and exclusive bargaining agents
4 affected by this Act may agree to waive one or more of its
5 provisions and bargain on the contents of those provisions if
6 any of the waivers are considered permissive subjects of
7 bargaining.

8 Section 15. Promotion process.

9 (a) For the purpose of granting promotion to any rank to
10 which this Act applies, the appointing authority shall from
11 time to time, as necessary, administer a promotion process in
12 accordance with this Act.

13 (b) Eligibility requirements to participate in the
14 promotional process may include a minimum requirement as to
15 the length of employment, education, training, and
16 certification in subjects and skills related to policing.
17 After the effective date of this Act, eligibility requirements
18 shall be published at least one year prior to the date of the
19 beginning of the promotional process and all members of the
20 affected department shall be given an equal opportunity to
21 meet those eligibility requirements.

22 (c) All aspects of the promotion process shall be equally
23 accessible to all eligible employees of the department. Every
24 component of the testing and evaluation procedures shall be
25 published to all eligible candidates when the announcement of

1 promotional testing is made. The scores for each component of
2 the testing and evaluation procedures shall be disclosed to
3 each candidate as soon as practicable after the component is
4 completed.

5 (d) The appointing authority shall provide a separate
6 promotional examination for each rank that is filled by
7 promotion. All examinations for promotion shall be competitive
8 among the members of the next lower rank who meet the
9 established eligibility requirements and desire to submit
10 themselves to examination. The appointing authority may employ
11 consultants to design and administer promotion examinations or
12 may adopt any job-related examinations or study materials that
13 may become available, so long as they comply with the
14 requirements of this Act.

15 Section 20. Promotion lists.

16 (a) For the purpose of granting a promotion to any rank to
17 which this Act applies, the appointing authority shall from
18 time to time, as necessary, prepare a preliminary promotion
19 list in accordance with this Act. The preliminary promotion
20 list shall be distributed, posted, or otherwise made
21 conveniently available by the appointing authority to all
22 members of the department.

23 (b) A person's position on the preliminary promotion list
24 shall be determined by a combination of factors, which may
25 include any of the following: (i) the person's score on the

1 written examination for that rank, determined in accordance
2 with Section 35; (ii) the person's seniority within the
3 department, determined in accordance with Section 40; (iii)
4 the person's ascertained merit, determined in accordance with
5 Section 45; and (iv) the person's score on the subjective
6 evaluation, determined in accordance with Section 50.
7 Candidates shall be ranked on the list in rank order based on
8 the highest to the lowest total points scored on all the
9 components of the test. Promotional components shall be
10 determined and administered in accordance with the referenced
11 Section, unless otherwise modified or agreed to as provided by
12 paragraph (1) or (2) of subsection (d) of Section 10. The use
13 of physical criteria, including, but not limited to, fitness
14 testing, agility testing, and medical evaluations, is
15 specifically barred from the promotion process. Each
16 promotional component of the test shall be scored on a scale of
17 100 points. The component scores shall then be reduced by the
18 weighting factor assigned to the component on the test and the
19 scores of all components shall be added to produce a total
20 score based on a scale of 100 points.

21 (c) A person on the preliminary promotion list who is
22 eligible for a veteran's preference under the laws and
23 agreements applicable to the department may file a written
24 application for that preference within 10 days after the
25 initial posting of the preliminary promotion list. The
26 preference shall be calculated as provided under Section 55

1 and added to the total score achieved by the candidate on the
2 test. The appointing authority shall then make adjustments to
3 the rank order of the preliminary promotion list based on any
4 veteran's preferences awarded. The final-adjusted promotion
5 list shall then be distributed, posted, or otherwise made
6 conveniently available by the appointing authority to all
7 members of the department.

8 (d) Whenever a promotional rank is created or becomes
9 vacant due to resignation, discharge, promotion, death, the
10 granting of a disability or retirement pension, or any other
11 cause, the appointing authority shall appoint to that position
12 the person with the highest ranking on the final promotion
13 list for that rank, except that the appointing authority shall
14 have the right to pass over that person and appoint the next
15 highest ranked person on the list if the appointing authority
16 has reason to conclude that the highest ranking person has
17 demonstrated substantial shortcomings in work performance or
18 has engaged in misconduct affecting the person's ability to
19 perform the duties of the promoted rank since the posting of
20 the promotion list. If the highest ranking person is passed
21 over, the appointing authority shall document its reasons for
22 its decision to select the next highest ranking person on the
23 list. Unless the reasons for passing over the highest ranking
24 person are not remediable, a person who is the highest ranking
25 person on the list at the time of the vacancy may not be passed
26 over more than once. Any dispute as to the selection of the

1 first or second highest ranking person shall be subject to
2 resolution in accordance with any grievance procedure in
3 effect covering the employee.

4 A vacancy occurs in a position on the date upon which the
5 position is vacated, and, on that same date, a vacancy occurs
6 in all ranks inferior to that rank if the position or positions
7 continue to be funded and authorized by the corporate
8 authorities. If a vacated position is not filled due to a lack
9 of funding or authorization and is subsequently reinstated,
10 the final promotion list shall be continued in effect until
11 all positions vacated have been filled or for a period up to 5
12 years beginning from the date on which the position was
13 vacated. In such event, the candidate or candidates who would
14 have otherwise been promoted when the vacancy originally
15 occurred shall be promoted.

16 Any candidate may refuse a promotion once without losing
17 his or her position on the final-adjusted promotion list. Any
18 candidate who refuses promotion a second time shall be removed
19 from the final-adjusted promotion list if the action doesn't
20 prejudice a person's opportunities to participate in future
21 promotion examinations.

22 (e) A final-adjusted promotion list shall remain valid and
23 unaltered for a period of not less than 2 nor more than 3 years
24 after the date of the initial posting. Integrated lists are
25 prohibited, and, when a list expires, it shall be void, except
26 as provided in subsection (d) of this Section. If a promotion

1 list is not in effect, a successor list shall be prepared and
2 distributed within 180 days after a vacancy, as defined in
3 subsection (d) of this Section.

4 (f) This Section does not apply to the initial hiring
5 list.

6 Section 25. Monitoring.

7 (a) All aspects of the promotion process, including,
8 without limitation, the administration, scoring, and posting
9 of scores for the written examination and subjective
10 evaluation and the determination and posting of seniority and
11 ascertained merit scores, shall be subject to monitoring and
12 review in accordance with this Section and Sections 30 and 50.

13 (b) Two impartial persons who are not members of the
14 affected department shall be selected to act as observers by
15 the exclusive bargaining agent. The appointing authorities may
16 also select 2 additional impartial observers.

17 (c) The observers monitoring the promotion process are
18 authorized to be present and observe when any component of the
19 test is administered or scored. Except as otherwise agreed to
20 in a collective bargaining agreement, observers may not
21 interfere with the promotion process, but shall promptly
22 report any observed or suspected violation of the requirements
23 of this Act or an applicable collective bargaining agreement
24 to the appointing authority and all other affected parties.

25 (d) The provisions of this Section do not apply to the

1 extent that they are inconsistent with provisions otherwise
2 agreed to in a collective bargaining agreement.

3 Section 30. Promotion examination components. Promotion
4 examinations that include components consisting of written
5 examinations, seniority points, ascertained merit, or
6 subjective evaluations shall be administered as provided in
7 Sections 35, 40, 45, and 50. The weight, if any, that is given
8 to any component included in a test may be set at the
9 discretion of the appointing authority if the weight is
10 subject to modification by the terms of any collective
11 bargaining agreement in effect on the effective date of this
12 Act or thereafter by negotiations between the employer and an
13 exclusive bargaining representative. If the appointing
14 authority establishes a minimum passing score, the score shall
15 be announced prior to the date of the promotion process, and it
16 must be an aggregate of all components of the testing process.
17 All candidates shall be allowed to participate in all
18 components of the testing process irrespective of their score
19 on any one component. The provisions of this Section do not
20 apply to the extent that they are inconsistent with provisions
21 otherwise agreed to in a collective bargaining agreement.

22 Section 35. Written examinations.

23 (a) The appointing authority may not condition eligibility
24 to take the written examination on the candidate's score on

1 any of the previous components of the examination. The written
2 examination for a particular rank shall consist of matters
3 relating to the duties regularly performed by persons holding
4 that rank within the department. The examination shall be
5 based only on the contents of written materials that the
6 appointing authority has identified and made readily available
7 to potential examinees at least 90 days before the examination
8 is administered. The test questions and material must be
9 pertinent to the particular rank for which the examination is
10 being given. The written examination shall be administered
11 after the determination and posting of the seniority list,
12 ascertained merit points, and subjective evaluation scores.
13 The written examination shall be administered, the test
14 materials opened, and the results scored and tabulated.

15 (b) Written examinations shall be graded at the
16 examination site on the day of the examination immediately
17 upon completion of the test in front of the observers if the
18 observers are appointed under Section 25, or, if the tests are
19 graded offsite by a bona fide testing agency, the observers
20 shall witness the sealing and the shipping of the tests for
21 grading and the subsequent opening of the scores upon the
22 return from the testing agency. Every examinee shall have the
23 right (i) to obtain his or her score on the examination on the
24 day of the examination or upon the day of its return from the
25 testing agency (or the appointing authority shall require the
26 testing agency to mail the individual scores to any address

1 submitted by the candidates on the day of the examination),
2 and (ii) to review the answers to the examination that the
3 examiners consider correct. The appointing authority may hold
4 a review session after the examination for the purpose of
5 gathering feedback on the examination from the candidates. The
6 review sessions shall be at no cost to the candidates.

7 (c) Sample written examinations may be examined by the
8 appointing authority and members of the department, but no
9 person in the department or the appointing authority
10 (including the chief, civil service commissioners, board of
11 fire and police commissioners, board of police commissioners,
12 Sheriff's Merit Commission, and other appointed or elected
13 officials) may see or examine the specific questions on the
14 actual written examination before the examination is
15 administered. If a sample examination is used, actual test
16 questions shall not be included. It is a violation of this Act
17 for any member of the department or the appointing authority
18 to obtain or divulge foreknowledge of the contents of the
19 written examination before it is administered.

20 (d) Each department shall maintain reading and study
21 materials for its current written examination and the reading
22 list for the last 2 written examinations or for a period of 5
23 years, whichever is less, for each rank and shall make these
24 materials available and accessible at each duty station.

25 (e) The provisions of this Section do not apply to the
26 extent that they are in conflict with provisions otherwise

1 agreed to in a collective bargaining agreement.

2 Section 40. Seniority points.

3 (a) Seniority points shall be based only upon service with
4 the affected department and shall be calculated as of the date
5 of the written examination. The weight of this component and
6 its computation shall be determined by the appointing
7 authority or through a collective bargaining agreement.

8 (b) A seniority list shall be posted before the written
9 examination is given and before the preliminary promotion list
10 is compiled. The seniority list shall include the seniority
11 date, any breaks in service, the total number of eligible
12 years, and the number of seniority points.

13 Section 45. Ascertained merit.

14 (a) The promotion test may include points for ascertained
15 merit. Ascertained merit points may be awarded for education,
16 training, and certification in subjects and skills related to
17 policing. The basis for granting ascertained merit points,
18 after the effective date of this Act, shall be published at
19 least one year prior to the date ascertained merit points are
20 awarded and all persons eligible to compete for promotion
21 shall be given an equal opportunity to obtain ascertained
22 merit points unless otherwise agreed to in a collective
23 bargaining agreement.

24 (b) Total points awarded for ascertained merit shall be

1 posted before the written examination is administered and
2 before the promotion list is compiled.

3 Section 50. Subjective evaluation.

4 (a) A promotion test may include subjective evaluation
5 components. Subjective evaluations may include an oral
6 interview, tactical evaluation, performance evaluation, or
7 other component based on subjective evaluation of the
8 examinee. The methods used for subjective evaluations may
9 include using any employee assessment centers, evaluation
10 systems, chief's points, or other methods.

11 (b) Any subjective component shall be identified to all
12 candidates prior to its application, be job-related, and be
13 applied uniformly to all candidates. Every examinee shall have
14 the right to documentation of his or her score on the
15 subjective component upon the completion of the subjective
16 examination component or its application. A designated
17 representative of the contracting union party shall be
18 notified and be entitled to be present to monitor any
19 preliminary meeting between certified assessors or
20 representatives of a testing agency and representatives of the
21 appointing authority held prior to the administration of the
22 test to candidates for promotion.

23 (c) Where chief's points or other subjective methods are
24 employed that are not amenable to monitoring, monitors shall
25 not be required, but any disputes as to the results of such

1 methods shall be subject to resolution in accordance with any
2 collectively bargained grievance procedure in effect at the
3 time of the test.

4 (d) Where performance evaluations are used as a basis for
5 promotions, they shall be given annually and made readily
6 available to each candidate for review and they shall include
7 any disagreement or documentation the employee provides to
8 refute or contest the evaluation. These annual evaluations are
9 not subject to grievance procedures, unless used for points in
10 the promotion process.

11 (e) Total points awarded for subjective components shall
12 be posted before the written examination is administered and
13 before the promotion list is compiled.

14 (f) Persons selected to grade candidates for promotion
15 during an assessment center process shall be impartial
16 professionals who have undergone training to be certified
17 assessors. The training and certification requirements shall,
18 at a minimum, provide that, to obtain and maintain
19 certification, assessors shall complete a course of basic
20 training, subscribe to a code of ethical conduct, complete
21 continuing education, and satisfy minimum activity levels.

22 (g) The standards for certification shall be established
23 by the Police Joint Labor and Management Committee (Committee)
24 composed of 6 members: 2 designated by a statewide association
25 whose membership is predominantly police chiefs representing
26 management interests of the affected departments, one

1 designated by a statewide association whose membership is
2 predominantly sheriffs representing management interests of
3 the affected departments, and 3 designated by 3 different
4 statewide labor organizations representative of sworn or
5 commissioned police officers in Illinois having at least 2,000
6 members. The statewide labor organizations will nominate
7 proposed representatives for the Committee and shall be
8 subject to approval by the Illinois Law Enforcement Training
9 Standards Board (Board). Members may serve terms of one year
10 subject to reappointment.

11 In developing certification standards the Committee may
12 seek the advice and counsel of professionals and experts and
13 may appoint an advisory committee.

14 The Committee may charge reasonable fees that are related
15 to the costs of administering authorized programs and
16 conducting classes, including, without limitation, the costs
17 of monitoring programs and classes, to the following: (i)
18 applicants for certifications or recertifications, (ii)
19 recipients of certifications or recertifications, and (iii)
20 individuals and entities approved by the Committee to conduct
21 programs or classes.

22 The Committee's initial certification standards shall be
23 submitted to the Board by January 1, 2024. The Committee may
24 provisionally certify persons who have prior experience as
25 assessors on promotional examinations in policing. Effective
26 January 1, 2024, only those persons who meet the certification

1 standards developed by the Committee and submitted to the
2 Board may be selected to grade candidates on a subjective
3 component of a promotional examination conducted under the
4 authority of this Act; however, the subjective component shall
5 be waived for persons employed or appointed by the
6 jurisdiction administering the examination.

7 The Committee shall annually:

8 (1) issue public notice offering persons who are
9 interested in qualifying as certified assessors the
10 opportunity to enroll in training; and

11 (2) submit to the Board an amended list of persons who
12 remain certified, are newly certified, or who are no
13 longer certified.

14 (h) The Board shall support the program by adopting
15 certification standards based on those submitted by the
16 Committee and by establishing a roster of certified assessors
17 composed of persons certified by the Committee.

18 If the parties have not agreed to contract with a
19 particular testing company to provide certified assessors,
20 either party may request the Board to provide the names of
21 certified assessors. Within 7 days after receiving a request
22 from either party for a list of certified assessors, the Board
23 shall select at random from the roster of certified assessors
24 a panel numbering not less than 2 times the number of assessors
25 required. The parties shall augment the number by a factor of
26 50% by designating assessors who may serve as alternates to

1 the primary assessors.

2 The parties shall select assessors from the list or lists
3 provided by the Board or from the panel obtained by the testing
4 company as provided above. Within 7 days following the receipt
5 of the list, the parties shall notify the Board of the
6 assessors they have selected. Unless the parties agree on an
7 alternate selection procedure, they shall alternatively strike
8 names from the list provided by the Board until only the number
9 of required assessors remain. A coin toss shall determine
10 which party strikes the first name. If the parties fail to
11 notify the Board in a timely manner of their selection of
12 assessors, the Board shall appoint the assessors required from
13 the roster of certified assessors. If an assessor is not able
14 to participate in the assessment center process for which he
15 was selected, either of the parties involved in the promotion
16 process may request that additional names of certified
17 assessors be provided by the Board.

18 Section 55. Veterans' preference. A person on a
19 preliminary promotion list who is eligible for veteran's
20 preference under any law or agreement applicable to an
21 affected department may file a written application for that
22 preference within 10 days after the initial posting of the
23 preliminary promotion list. The veteran's preference shall be
24 calculated as provided in the applicable law and added to the
25 applicant's total score on the preliminary promotion list. Any

1 person who has received a promotion from a promotion list on
2 which his or her position was adjusted for veteran's
3 preference, under this Act or any other law, shall not be
4 eligible for any subsequent veteran's preference under this
5 Act.

6 Section 60. Right to review. Any affected person or party
7 who believes that an error has been made with respect to
8 eligibility to take an examination, examination result,
9 placement or position on a promotion list, or veteran's
10 preference shall be entitled to a review of the matter by the
11 appointing authority or as otherwise provided by law.

12 Section 65. Violations.

13 (a) 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 Act, commits a violation of this Act and may be subject to
17 charges for official misconduct.

18 (b) A person who is the knowing recipient of test
19 information in advance of the examination shall be
20 disqualified from the promotion examination or demoted from
21 the rank to which he was promoted, as applicable and otherwise
22 subjected to disciplinary actions.

23 Section 85. The Counties Code is amended by changing

1 Sections 3-7010 and 3-8012 as follows:

2 (55 ILCS 5/3-7010) (from Ch. 34, par. 3-7010)

3 Sec. 3-7010. Rules governing appointments and promotions.
4 All appointments and promotions shall be made in accordance
5 with the provisions of this Division, the Police Department
6 Promotion Act, and the rules and regulations of the Board
7 without considering the political affiliation of any
8 applicant.

9 (Source: P.A. 86-962.)

10 (55 ILCS 5/3-8012) (from Ch. 34, par. 3-8012)

11 Sec. 3-8012. Rules governing appointments and promotions.
12 ~~Political affiliation.~~ All appointments and promotions shall
13 be made in accordance with the provisions of this Division,
14 the Police Department Promotion Act, and the rules and
15 regulations of the Commission, without consideration of the
16 political affiliation of any applicant.

17 (Source: P.A. 86-962.)

18 Section 90. The Illinois Municipal Code is amended by
19 changing Sections 10-1-13 and 10-2.1-15 as follows:

20 (65 ILCS 5/10-1-13) (from Ch. 24, par. 10-1-13)

21 Sec. 10-1-13. The commission shall, by its rules, provide
22 for promotions in such classified service, on the basis of

1 ascertained merit and seniority in service and examination and
2 shall provide, in all cases where it is practicable, that
3 vacancies shall be filled by promotion. The commission's rules
4 governing police department promotions shall be consistent
5 with the Police Department Promotion Act, notwithstanding any
6 other provision in this Division. All examinations for
7 promotion shall be competitive among such members of the next
8 lower rank as desire to submit themselves to such examination
9 and the results thereof and the promotional eligible registers
10 prepared therefrom shall be published by the commission within
11 60 days after any examinations are held. If two or more
12 applicants achieve the identical final grade average, they
13 shall be placed on the promotional eligible register in their
14 order of seniority in the position from which they seek
15 promotion. The commission shall submit to the appointing power
16 the names of not more than 3 applicants for each promotion
17 having the highest rating except that a commission in any
18 municipality with more than 130,000 but less than 2,000,000
19 population may submit the names of not more than 5 applicants
20 having the highest rating for each promotion, but in making
21 his selection the appointing authority shall not pass over the
22 person having the highest rating on the original register more
23 than once and shall not pass over the person having the second
24 highest rating in the original register more than twice. The
25 commission shall strike off all names of applicants from a
26 promotional eligible register after they have remained thereon

1 no less than 2 years and no more than 3 years, provided that
2 the commission shall notify the appointing power before the
3 names are stricken and such appointing power shall fill any
4 existing vacancies before all names are stricken from the
5 promotional eligible register. The method of examination and
6 the rules governing the same, and the method of certifying,
7 shall be the same as provided for applicants for original
8 appointment.

9 Except for rules governing police department promotions
10 governed by the Police Department Promotion Act, the changes
11 made by Public Act 77-1388 do ~~This amendatory Act of 1971 does~~
12 not apply to any municipality which is a home rule unit.

13 (Source: P.A. 85-462.)

14 (65 ILCS 5/10-2.1-15) (from Ch. 24, par. 10-2.1-15)

15 Sec. 10-2.1-15. The board, by its rules, shall provide for
16 promotion in the fire and police departments on the basis of
17 ascertained merit and seniority in service and examination,
18 and shall provide in all cases, where it is practicable, that
19 vacancies shall be filled by promotion. The board's rules
20 governing police department promotions shall be consistent
21 with the Police Department Promotion Act, notwithstanding any
22 other provision in this Division. All examinations for
23 promotion shall be competitive among such members of the next
24 lower rank as desire to submit themselves to examination. All
25 promotions shall be made from the 3 having the highest rating,

1 and where there are less than 3 names on the promotional
2 eligible register, as originally posted, or remaining thereon
3 after appointments have been made therefrom, appointments to
4 fill existing vacancies shall be made from those names or name
5 remaining on the promotional register except that promotions
6 made in any municipality with more than 130,000 but less than
7 2,000,000 population may be made from the 7 members having the
8 highest rating. The method of examination and the rules
9 governing examinations for promotion shall be the same as
10 provided for applicants for original appointment, except that
11 original appointments only shall be on probation, as provided
12 by the rules. The board shall strike off the names of
13 candidates for promotional appointment after they have
14 remained thereon for more than 3 years, provided there is no
15 vacancy existing which can be filled from the promotional
16 register.

17 (Source: P.A. 83-761.)

18 Section 95. The State Mandates Act is amended by adding
19 Section 8.47 as follows:

20 (30 ILCS 805/8.47 new)

21 Sec. 8.47. Exempt mandate. Notwithstanding Sections 6 and
22 8 of this Act, no reimbursement by the State is required for
23 the implementation of any mandate created by this amendatory
24 Act of the 103rd General Assembly.

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.