

HB1017



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1017

Introduced 2/8/2007, by Rep. Dan Reitz

SYNOPSIS AS INTRODUCED:

50 ILCS 742/20
50 ILCS 742/50

Amends the Fire Department Promotion Act. With respect to subjective evaluation of candidates for promotion, sets up a procedure for the parties to select impartial qualified professionals as promotional assessors from a roster established by the Office of the State Fire Marshal. Makes technical corrections. Effective immediately.

LRB095 07177 HLH 27309 b

FISCAL 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 Fire Department Promotion Act is amended by
5 changing Sections 20 and 50 as follows:

6 (50 ILCS 742/20)

7 Sec. 20. Promotion lists.

8 (a) For the purpose of granting a promotion to any rank to
9 which this Act applies, the appointing authority shall from
10 time to time, as necessary, prepare a preliminary promotion
11 list in accordance with this Act. The preliminary promotion
12 list shall be distributed, posted, or otherwise made
13 conveniently available by the appointing authority to all
14 members of the department.

15 (b) A person's position on the preliminary promotion list
16 shall be determined by a combination of factors which may
17 include any of the following: (i) the person's score on the
18 written examination for that rank, determined in accordance
19 with Section 35; (ii) the person's seniority within the
20 department, determined in accordance with Section 40; (iii) the
21 person's ascertained merit, determined in accordance with
22 Section 45; and (iv) the person's score on the subjective
23 evaluation, determined in accordance with Section 50.

1 Candidates shall be ranked on the list in rank order based on
2 the highest to the lowest total points scored on all of the
3 components of the test. Promotional components, as defined
4 herein, shall be determined and administered in accordance with
5 the referenced Section, unless otherwise modified or agreed to
6 as provided by paragraph (1) or (2) of subsection (d) ~~(e)~~ of
7 Section 10. The use of physical criteria, including but not
8 limited to fitness testing, agility testing, and medical
9 evaluations, is specifically barred from the promotion
10 process.

11 (c) A person on the preliminary promotion list who is
12 eligible for a veteran's preference under the laws and
13 agreements applicable to the department may file a written
14 application for that preference within 10 days after the
15 initial posting of the preliminary promotion list. The
16 preference shall be calculated as provided under Section 55 and
17 added to the total score achieved by the candidate on the test.
18 The appointing authority shall then make adjustments to the
19 rank order of the preliminary promotion list based on any
20 veteran's preferences awarded. The final adjusted promotion
21 list shall then be distributed, posted, or otherwise made
22 conveniently available by the appointing authority to all
23 members of the department.

24 (d) Whenever a promotional rank is created or becomes
25 vacant due to resignation, discharge, promotion, death, or the
26 granting of a disability or retirement pension, or any other

1 cause, the appointing authority shall appoint to that position
2 the person with the highest ranking on the final promotion list
3 for that rank, except that the appointing authority shall have
4 the right to pass over that person and appoint the next highest
5 ranked person on the list if the appointing authority has
6 reason to conclude that the highest ranking person has
7 demonstrated substantial shortcomings in work performance or
8 has engaged in misconduct affecting the person's ability to
9 perform the duties of the promoted rank since the posting of
10 the promotion list. If the highest ranking person is passed
11 over, the appointing authority shall document its reasons for
12 its decision to select the next highest ranking person on the
13 list. Unless the reasons for passing over the highest ranking
14 person are not remediable ~~remedial~~, no person who is the
15 highest ranking person on the list at the time of the vacancy
16 shall be passed over more than once. Any dispute as to the
17 selection of the first or second highest-ranking person shall
18 be subject to resolution in accordance with any grievance
19 procedure in effect covering the employee.

20 A vacancy shall be deemed to occur in a position on the
21 date upon which the position is vacated, and on that same date,
22 a vacancy shall occur in all ranks inferior to that rank,
23 provided that the position or positions continue to be funded
24 and authorized by the corporate authorities. If a vacated
25 position is not filled due to a lack of funding or
26 authorization and is subsequently reinstated, the final

1 promotion list shall be continued in effect until all positions
2 vacated have been filled or for a period up to 5 years
3 beginning from the date on which the position was vacated. In
4 such event, the candidate or candidates who would have
5 otherwise been promoted when the vacancy originally occurred
6 shall be promoted.

7 Any candidate may refuse a promotion once without losing
8 his or her position on the final adjusted promotion list. Any
9 candidate who refuses promotion a second time shall be removed
10 from the final adjusted promotion list, provided that such
11 action shall not prejudice a person's opportunities to
12 participate in future promotion examinations.

13 (e) A final adjusted promotion list shall remain valid and
14 unaltered for a period of not less than 2 nor more than 3 years
15 after the date of the initial posting. Integrated lists are
16 prohibited and when a list expires it shall be void, except as
17 provided in subsection (d) of this Section. If a promotion list
18 is not in effect, a successor list shall be prepared and
19 distributed within 180 days after a vacancy, as defined in
20 subsection (d) of this Section.

21 (f) This Section 20 does not apply to the initial hiring
22 list.

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

24 (50 ILCS 742/50)

25 Sec. 50. Subjective evaluation.

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

8 (b) Any subjective component shall be identified to all
9 candidates prior to its application, be job-related, and be
10 applied uniformly to all candidates. Every examinee shall have
11 the right to documentation of his or her score on the
12 subjective component upon the completion of the subjective
13 examination component or its application.

14 (c) Where chief's points or other subjective methods are
15 employed that are not amenable to monitoring, monitors shall
16 not be required, but any disputes as to the results of such
17 methods shall be subject to resolution in accordance with any
18 collectively bargained grievance procedure in effect at the
19 time of the test.

20 (d) Where performance evaluations are used as a basis for
21 promotions, they shall be given annually and made readily
22 available to each candidate for review and they shall include
23 any disagreement or documentation the employee provides to
24 refute or contest the evaluation. These annual evaluations are
25 not subject to grievance procedures, unless used for points in
26 the promotion process.

1 (e) Total points awarded for subjective components shall be
2 posted before the written examination is administered and
3 before the promotion list is compiled.

4 (f) Persons selected to grade candidates for promotion
5 shall be selected from panels composed of impartial qualified
6 professionals. The Office of the State Fire Marshal shall
7 support the selections by establishing a roster of promotional
8 assessors composed of persons sworn to impartiality who meet
9 specified minimum standards of professional training as
10 established by the Office of the State Fire Marshal by rule by
11 January 1, 2008.

12 Within 7 days after the request of either party, the Office
13 shall select at random from the roster of promotional assessors
14 a panel of impartial qualified promotional assessors numbering
15 not less than 1.5 times the number of assessors required. The
16 parties may select assessors on the list provided by the Office
17 or any other agency mutually agreed upon by the parties. Within
18 7 days following the receipt of the list, the parties shall
19 notify the Office of the assessors they have selected. Unless
20 the parties agree on an alternate selection procedure, they
21 shall alternatively strike names from the list provided by the
22 Office until only the number of required assessors remain. A
23 coin toss shall determine which party strikes the first name.
24 If the parties fail to notify the Office in a timely manner of
25 their selection of assessors, the Office shall appoint the
26 assessors required from the roster of promotional assessors.

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

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