

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 10-1-14 and 10-2.1-4 as follows:

6 (65 ILCS 5/10-1-14) (from Ch. 24, par. 10-1-14)

7 Sec. 10-1-14. The head of the department or office in which
8 a position classified under this Division 1 is to be filled
9 shall notify the commission of that fact, and the commission
10 shall certify to the appointing officer the name and address of
11 the candidate standing highest upon the register for the class
12 or grade to which the position belongs. However, in cases of
13 laborers where a choice by competition is impracticable, the
14 commission may provide by its rules that the selections shall
15 be made by lot from among those candidates proved fit by
16 examination, but laborers who have previously been in the
17 service and were removed because their services were no longer
18 required, shall be preferred, and be reinstated before other
19 laborers are given positions, preference being given to those
20 who have had the longest term of service, and laborers in the
21 employ of the municipality on July 1, 1949, who, as of such
22 date, have been employed under temporary authority for 3 years
23 or more or during parts of 3 or more calendar years, shall be

1 preferred also, and shall be placed upon the register for such
2 positions without examination and shall be certified before
3 other laborers are given positions, preference being given to
4 those laborers under temporary authority who have had the
5 longest term of service in such positions. In making such
6 certification, sex shall be disregarded. The appointing
7 officer shall notify the commission of each position to be
8 filled, separately, and shall fill such place by the
9 appointment of the person certified to him or her by the
10 commission therefor. Original appointment shall be on
11 probation for a period not to exceed 6 months to be fixed by
12 the rules but all time spent in attending training schools and
13 seminars, except on-the-job training conducted by local Fire
14 Department personnel, shall be excluded in calculating the
15 probation period; provided that in municipalities with a
16 population of more than 500,000 inhabitants, original
17 appointment to the police department shall be on probation for
18 a period not to exceed 9 months to be fixed by the rules of the
19 department. The commission may strike off names of candidates
20 from the register after they have remained thereon more than 2
21 years. At or before the expiration of the period of probation,
22 the head of the department or office in which a candidate is
23 employed may, by and with the consent of the commission,
24 discharge him or her upon assigning in writing his or her
25 reason therefor to the commission. If he or she is not then
26 discharged, his or her appointment shall be deemed complete. To

1 prevent the stoppage of public business, or to meet
2 extraordinary exigencies, the head of any department or office
3 may, with the approval of the commission, make temporary
4 appointment to remain in force not exceeding 120 days, and only
5 until regular appointments under the provisions of this
6 Division 1 can be made. In any municipal fire department that
7 employs full-time firefighters and is subject to a collective
8 bargaining agreement, a person who has not qualified for
9 regular appointment under the provisions of this Division 1
10 shall not be used as a temporary or permanent substitute for
11 classified members of a municipality's fire department or for
12 regular appointment as a classified member of a municipality's
13 fire department unless mutually agreed to by the employee's
14 certified bargaining agent. Such agreement shall be considered
15 a permissive subject of bargaining. Municipal fire departments
16 covered by the changes made by this amendatory Act of the 95th
17 General Assembly that are using non-certificated employees as
18 substitutes immediately prior to the effective date of this
19 amendatory Act of the 95th General Assembly may, by mutual
20 agreement with the certified bargaining agent, continue the
21 existing practice or a modified practice and that agreement
22 shall be considered a permissive subject of bargaining. A home
23 rule unit may not regulate the hiring of temporary or
24 substitute members of the municipality's fire department in a
25 manner that is inconsistent with this Section. This Section is
26 a limitation under subsection (i) of Section 6 of Article VII

1 of the Illinois Constitution on the concurrent exercise by home
2 rule units of powers and functions exercised by the State.

3 (Source: P.A. 80-1364.)

4 (65 ILCS 5/10-2.1-4) (from Ch. 24, par. 10-2.1-4)

5 Sec. 10-2.1-4. Fire and police departments; Appointment of
6 members; Certificates of appointments.

7 The board of fire and police commissioners shall appoint
8 all officers and members of the fire and police departments of
9 the municipality, including the chief of police and the chief
10 of the fire department, unless the council or board of trustees
11 shall by ordinance as to them otherwise provide; except as
12 otherwise provided in this Section, and except that in any
13 municipality which adopts or has adopted this Division 2.1 and
14 also adopts or has adopted Article 5 of this Code, the chief of
15 police and the chief of the fire department shall be appointed
16 by the municipal manager, if it is provided by ordinance in
17 such municipality that such chiefs, or either of them, shall
18 not be appointed by the board of fire and police commissioners.

19 If the chief of the fire department or the chief of the
20 police department or both of them are appointed in the manner
21 provided by ordinance, they may be removed or discharged by the
22 appointing authority. In such case the appointing authority
23 shall file with the corporate authorities the reasons for such
24 removal or discharge, which removal or discharge shall not
25 become effective unless confirmed by a majority vote of the

1 corporate authorities.

2 If a member of the department is appointed chief of police
3 or chief of the fire department prior to being eligible to
4 retire on pension, he shall be considered as on furlough from
5 the rank he held immediately prior to his appointment as chief.
6 If he resigns as chief or is discharged as chief prior to
7 attaining eligibility to retire on pension, he shall revert to
8 and be established in whatever rank he currently holds, except
9 for previously appointed positions, and thereafter be entitled
10 to all the benefits and emoluments of that rank, without regard
11 as to whether a vacancy then exists in that rank.

12 All appointments to each department other than that of the
13 lowest rank, however, shall be from the rank next below that to
14 which the appointment is made except as otherwise provided in
15 this Section, and except that the chief of police and the chief
16 of the fire department may be appointed from among members of
17 the police and fire departments, respectively, regardless of
18 rank, unless the council or board of trustees shall have by
19 ordinance as to them otherwise provided. A chief of police or
20 the chief of the fire department, having been appointed from
21 among members of the police or fire department, respectively,
22 shall be permitted, regardless of rank, to take promotional
23 exams and be promoted to a higher classified rank than he
24 currently holds, without having to resign as chief of police or
25 chief of the fire department.

26 The sole authority to issue certificates of appointment

1 shall be vested in the Board of Fire and Police Commissioners
2 and all certificates of appointments issued to any officer or
3 member of the fire or police department of a municipality shall
4 be signed by the chairman and secretary respectively of the
5 board of fire and police commissioners of such municipality,
6 upon appointment of such officer or member of the fire and
7 police department of such municipality by action of the board
8 of fire and police commissioners. In any municipal fire
9 department that employs full-time firefighters and is subject
10 to a collective bargaining agreement, a person who has not
11 qualified for regular appointment under the provisions of this
12 Division 2.1 shall not be used as a temporary or permanent
13 substitute for classified members of a municipality's fire
14 department or for regular appointment as a classified member of
15 a municipality's fire department unless mutually agreed to by
16 the employee's certified bargaining agent. Such agreement
17 shall be considered a permissive subject of bargaining.
18 Municipal fire departments covered by the changes made by this
19 amendatory Act of the 95th General Assembly that are using
20 non-certificated employees as substitutes immediately prior to
21 the effective date of this amendatory Act of the 95th General
22 Assembly may, by mutual agreement with the certified bargaining
23 agent, continue the existing practice or a modified practice
24 and that agreement shall be considered a permissive subject of
25 bargaining. A home rule unit may not regulate the hiring of
26 temporary or substitute members of the municipality's fire

1 department in a manner that is inconsistent with this Section.
2 This Section is a limitation under subsection (i) of Section 6
3 of Article VII of the Illinois Constitution on the concurrent
4 exercise by home rule units of powers and functions exercised
5 by the State.

6 The term "policemen" as used in this Division does not
7 include auxiliary police officers except as provided for in
8 Section 10-2.1-6.

9 Any full time member of a regular fire or police department
10 of any municipality which comes under the provisions of this
11 Division or adopts this Division 2.1 or which has adopted any
12 of the prior Acts pertaining to fire and police commissioners,
13 is a city officer.

14 Notwithstanding any other provision of this Section, the
15 Chief of Police of a department in a non-homerule municipality
16 of more than 130,000 inhabitants may, without the advice or
17 consent of the Board of Fire and Police Commissioners, appoint
18 up to 6 officers who shall be known as deputy chiefs or
19 assistant deputy chiefs, and whose rank shall be immediately
20 below that of Chief. The deputy or assistant deputy chiefs may
21 be appointed from any rank of sworn officers of that
22 municipality, but no person who is not such a sworn officer may
23 be so appointed. Such deputy chief or assistant deputy chief
24 shall have the authority to direct and issue orders to all
25 employees of the Department holding the rank of captain or any
26 lower rank. A deputy chief of police or assistant deputy chief

1 of police, having been appointed from any rank of sworn
2 officers of that municipality, shall be permitted, regardless
3 of rank, to take promotional exams and be promoted to a higher
4 classified rank than he currently holds, without having to
5 resign as deputy chief of police or assistant deputy chief of
6 police.

7 Notwithstanding any other provision of this Section, a
8 non-homerule municipality of 130,000 or fewer inhabitants,
9 through its council or board of trustees, may, by ordinance,
10 provide for a position of deputy chief to be appointed by the
11 chief of the police department. The ordinance shall provide for
12 no more than one deputy chief position if the police department
13 has fewer than 25 full-time police officers and for no more
14 than 2 deputy chief positions if the police department has 25
15 or more full-time police officers. The deputy chief position
16 shall be an exempt rank immediately below that of Chief. The
17 deputy chief may be appointed from any rank of sworn, full-time
18 officers of the municipality's police department, but must have
19 at least 5 years of full-time service as a police officer in
20 that department. A deputy chief shall serve at the discretion
21 of the Chief and, if removed from the position, shall revert to
22 the rank currently held, without regard as to whether a vacancy
23 exists in that rank. A deputy chief of police, having been
24 appointed from any rank of sworn full-time officers of that
25 municipality's police department, shall be permitted,
26 regardless of rank, to take promotional exams and be promoted

1 to a higher classified rank than he currently holds, without
2 having to resign as deputy chief of police.

3 No municipality having a population less than 1,000,000
4 shall require that any firefighter appointed to the lowest rank
5 serve a probationary employment period of longer than one year.
6 The limitation on periods of probationary employment provided
7 in this amendatory Act of 1989 is an exclusive power and
8 function of the State. Pursuant to subsection (h) of Section 6
9 of Article VII of the Illinois Constitution, a home rule
10 municipality having a population less than 1,000,000 must
11 comply with this limitation on periods of probationary
12 employment, which is a denial and limitation of home rule
13 powers. Notwithstanding anything to the contrary in this
14 Section, the probationary employment period limitation may be
15 extended for a firefighter who is required, as a condition of
16 employment, to be a certified paramedic, during which time the
17 sole reason that a firefighter may be discharged without a
18 hearing is for failing to meet the requirements for paramedic
19 certification.

20 (Source: P.A. 93-486, eff. 8-8-03; 94-135, eff. 7-7-05; 94-984,
21 eff. 6-30-06.)

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

24 (70 ILCS 705/16.06) (from Ch. 127 1/2, par. 37.06)

1 Sec. 16.06. Eligibility for positions in fire department;
2 disqualifications.

3 (a) All applicants for a position in the fire department of
4 the fire protection district shall be under 35 years of age and
5 shall be subjected to examination, which shall be public,
6 competitive, and free to all applicants, subject to reasonable
7 limitations as to health, habits, and moral character; provided
8 that the foregoing age limitation shall not apply in the case
9 of any person having previous employment status as a fireman in
10 a regularly constituted fire department of any fire protection
11 district, and further provided that each fireman or fire chief
12 who is a member in good standing in a regularly constituted
13 fire department of any municipality which shall be or shall
14 have subsequently been included within the boundaries of any
15 fire protection district now or hereafter organized shall be
16 given a preference for original appointment in the same class,
17 grade or employment over all other applicants. The examinations
18 shall be practical in their character and shall relate to those
19 matters which will fairly test the persons examined as to their
20 relative capacity to discharge the duties of the positions to
21 which they seek appointment. The examinations shall include
22 tests of physical qualifications and health. No applicant,
23 however, shall be examined concerning his political or
24 religious opinions or affiliations. The examinations shall be
25 conducted by the board of fire commissioners.

26 In any fire protection district that employs full-time

1 firefighters and is subject to a collective bargaining
2 agreement, a person who has not qualified for regular
3 appointment under the provisions of this Section shall not be
4 used as a temporary or permanent substitute for certificated
5 members of a fire district's fire department or for regular
6 appointment as a certificated member of a fire district's fire
7 department unless mutually agreed to by the employee's
8 certified bargaining agent. Such agreement shall be considered
9 a permissive subject of bargaining. Fire protection districts
10 covered by the changes made by this amendatory Act of the 95th
11 General Assembly that are using non-certificated employees as
12 substitutes immediately prior to the effective date of this
13 amendatory Act of the 95th General Assembly may, by mutual
14 agreement with the certified bargaining agent, continue the
15 existing practice or a modified practice and that agreement
16 shall be considered a permissive subject of bargaining.

17 (b) No person shall be appointed to the fire department
18 unless he or she is a person of good character and not a person
19 who has been convicted of a felony in Illinois or convicted in
20 another jurisdiction for conduct that would be a felony under
21 Illinois law, or convicted of a crime involving moral
22 turpitude. No person, however, shall be disqualified from
23 appointment to the fire department because of his or her record
24 of misdemeanor convictions, except those under Sections 11-6,
25 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,
26 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,

1 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and subsections
2 (1), (6), and (8) of Section 24-1 of the Criminal Code of 1961.
3 (Source: P.A. 93-589, eff. 1-1-04.)