



Rep. Fred Crespo

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1 AMENDMENT TO HOUSE BILL 1627

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1627 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Municipal Code is amended by  
5 changing Sections 10-1-7 and 10-2.1-4 and by adding Sections  
6 10-1-7.1, 10-1-7.2, 10-2.1-6.3, and 10-2.1-6.4 as follows:

7 (65 ILCS 5/10-1-7) (from Ch. 24, par. 10-1-7)

8 Sec. 10-1-7. Examination of applicants; disqualifications.

9 (a) All applicants for offices or places in the classified  
10 service, except those mentioned in Section 10-1-17, are subject  
11 to examination. The examination shall be public, competitive,  
12 and open to all citizens of the United States, with specified  
13 limitations as to residence, age, health, habits and moral  
14 character.

15 (b) Residency requirements in effect at the time an  
16 individual enters the fire or police service of a municipality

1 (other than a municipality that has more than 1,000,000  
2 inhabitants) cannot be made more restrictive for that  
3 individual during his or her period of service for that  
4 municipality, or be made a condition of promotion, except for  
5 the rank or position of Fire or Police Chief.

6 (c) No person with a record of misdemeanor convictions  
7 except those under Sections 11-6, 11-7, 11-9, 11-14, 11-15,  
8 11-17, 11-18, 11-19, 12-2, 12-6, 12-15, 14-4, 16-1, 21.1-3,  
9 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6, 31-7, 32-1, 32-2,  
10 32-3, 32-4, 32-8, and subsections (1), (6) and (8) of Section  
11 24-1 of the Criminal Code of 1961 or arrested for any cause but  
12 not convicted on that cause shall be disqualified from taking  
13 the examination on grounds of habits or moral character, unless  
14 the person is attempting to qualify for a position on the  
15 police department, in which case the conviction or arrest may  
16 be considered as a factor in determining the person's habits or  
17 moral character.

18 (d) Persons entitled to military preference under Section  
19 10-1-16 shall not be subject to limitations specifying age  
20 unless they are applicants for a position as a fireman or a  
21 policeman having no previous employment status as a fireman or  
22 policeman in the regularly constituted fire or police  
23 department of the municipality, in which case they must not  
24 have attained their 35th birthday, except any person who has  
25 served as an auxiliary police officer under Section 3.1-30-20  
26 for at least 5 years and is under 40 years of age.

1           (e) All employees of a municipality of less than 500,000  
2 population (except those who would be excluded from the  
3 classified service as provided in this Division 1) who are  
4 holding that employment as of the date a municipality adopts  
5 this Division 1, or as of July 17, 1959, whichever date is the  
6 later, and who have held that employment for at least 2 years  
7 immediately before that later date, and all firemen and  
8 policemen regardless of length of service who were either  
9 appointed to their respective positions by the board of fire  
10 and police commissioners under the provisions of Division 2 of  
11 this Article or who are serving in a position (except as a  
12 temporary employee) in the fire or police department in the  
13 municipality on the date a municipality adopts this Division 1,  
14 or as of July 17, 1959, whichever date is the later, shall  
15 become members of the classified civil service of the  
16 municipality without examination.

17           (f) The examinations shall be practical in their character,  
18 and shall relate to those matters that will fairly test the  
19 relative capacity of the persons examined to discharge the  
20 duties of the positions to which they seek to be appointed. The  
21 examinations shall include tests of physical qualifications,  
22 health, and (when appropriate) manual skill. If an applicant is  
23 unable to pass the physical examination solely as the result of  
24 an injury received by the applicant as the result of the  
25 performance of an act of duty while working as a temporary  
26 employee in the position for which he or she is being examined,

1 however, the physical examination shall be waived and the  
2 applicant shall be considered to have passed the examination.  
3 No questions in any examination shall relate to political or  
4 religious opinions or affiliations. Results of examinations  
5 and the eligible registers prepared from the results shall be  
6 published by the commission within 60 days after any  
7 examinations are held.

8 (g) The commission shall control all examinations, and may,  
9 whenever an examination is to take place, designate a suitable  
10 number of persons, either in or not in the official service of  
11 the municipality, to be examiners. The examiners shall conduct  
12 the examinations as directed by the commission and shall make a  
13 return or report of the examinations to the commission. If the  
14 appointed examiners are in the official service of the  
15 municipality, the examiners shall not receive extra  
16 compensation for conducting the examinations. The commission  
17 may at any time substitute any other person, whether or not in  
18 the service of the municipality, in the place of any one  
19 selected as an examiner. The commission members may themselves  
20 at any time act as examiners without appointing examiners. The  
21 examiners at any examination shall not all be members of the  
22 same political party.

23 (h) In municipalities of 500,000 or more population, no  
24 person who has attained his or her 35th birthday shall be  
25 eligible to take an examination for a position as a fireman or  
26 a policeman unless the person has had previous employment

1 status as a policeman or fireman in the regularly constituted  
2 police or fire department of the municipality, except as  
3 provided in this Section.

4 (i) In municipalities of more than 5,000 but not more than  
5 200,000 inhabitants, no person who has attained his or her 35th  
6 birthday shall be eligible to take an examination for a  
7 position as a fireman or a policeman unless the person has had  
8 previous employment status as a policeman or fireman in the  
9 regularly constituted police or fire department of the  
10 municipality, except as provided in this Section.

11 (j) In all municipalities, applicants who are 20 years of  
12 age and who have successfully completed 2 years of law  
13 enforcement studies at an accredited college or university may  
14 be considered for appointment to active duty with the police  
15 department. An applicant described in this subsection (j) who  
16 is appointed to active duty shall not have power of arrest, nor  
17 shall the applicant be permitted to carry firearms, until he or  
18 she reaches 21 years of age.

19 (k) In municipalities of more than 500,000 population,  
20 applications for examination for and appointment to positions  
21 as firefighters or police shall be made available at various  
22 branches of the public library of the municipality.

23 (l) No municipality having a population less than 1,000,000  
24 shall require that any fireman appointed to the lowest rank  
25 serve a probationary employment period of longer than one year.  
26 The limitation on periods of probationary employment provided

1 in this amendatory Act of 1989 is an exclusive power and  
2 function of the State. Pursuant to subsection (h) of Section 6  
3 of Article VII of the Illinois Constitution, a home rule  
4 municipality having a population less than 1,000,000 must  
5 comply with this limitation on periods of probationary  
6 employment, which is a denial and limitation of home rule  
7 powers. Notwithstanding anything to the contrary in this  
8 Section, the probationary employment period limitation may be  
9 extended for a firefighter who is required, as a condition of  
10 employment, to be a certified paramedic, during which time the  
11 sole reason that a firefighter may be discharged without a  
12 hearing is for failing to meet the requirements for paramedic  
13 certification.

14 (m) To the extent that this Section or any other Section in  
15 this Division conflicts with Section 10-1-7.1 or 10-1-7.2, then  
16 Section 10-1-7.1 or 10-1-7.2 shall control.

17 (Source: P.A. 94-135, eff. 7-7-05; 94-984, eff. 6-30-06.)

18 (65 ILCS 5/10-1-7.1 new)

19 Sec. 10-1-7.1. Original appointments; full-time fire  
20 department.

21 (a) Applicability. Unless a commission elects to follow the  
22 provisions of Section 10-1-7.2, this Section shall apply to all  
23 original appointments to an affected full-time fire  
24 department. Existing registers of eligibles shall continue to  
25 be valid until their expiration dates, or up to a maximum of 2

1 years after the effective date of this amendatory Act of the  
2 96th General Assembly.

3 Notwithstanding any statute, ordinance, rule, or other law  
4 to the contrary, all original appointments to an affected  
5 department to which this Section applies shall be administered  
6 in the manner provided for in this Section. Provisions of the  
7 Illinois Municipal Code, municipal ordinances, or rules  
8 adopted pursuant to such authority and other laws relating to  
9 initial hiring of firefighters in affected departments shall  
10 continue to apply to the extent they are compatible with this  
11 Section, but in the event of a conflict between this Section  
12 and any other law, this Section shall control.

13 A home rule or non-home rule municipality may not  
14 administer its fire department process for original  
15 appointments in a manner that is inconsistent with this  
16 Section. This Section is a limitation under subsection (i) of  
17 Section 6 of Article VII of the Illinois Constitution on the  
18 concurrent exercise by home rule units of the powers and  
19 functions exercised by the State.

20 (b) Original appointments. All original appointments made  
21 to an affected fire department shall be made from a register of  
22 eligibles established in accordance with the processes  
23 established by this Section. Only persons who meet or exceed  
24 the performance standards required by this Section shall be  
25 placed on a register of eligibles for original appointment to  
26 an affected fire department.

1 Whenever an appointing authority authorizes action to hire  
2 a person to perform the duties of a firefighter or  
3 firefighter-paramedic to fill a position that is a new position  
4 or vacancy in a position due to resignation, discharge,  
5 promotion, death, or the granting of a disability or retirement  
6 pension, or any other cause, the appointing authority shall  
7 appoint to that position the person with the highest ranking on  
8 the final eligibility list, except that the appointing  
9 authority shall have the right to pass over that person and  
10 appoint the next highest ranked person on the list if the  
11 appointing authority has reason to conclude that the highest  
12 ranked person fails to meet the minimum standards for the  
13 position after a conditional offer of employment has been made.  
14 Any candidate may pass on an appointment once without losing  
15 his or her position on the register of eligibles. Any candidate  
16 who passes a second time shall be removed from the list  
17 provided that such action shall not prejudice a person's  
18 opportunities to participate in future examinations, including  
19 an examination held during the time a candidate is already on  
20 the municipality's register of eligibles.

21 The sole authority to issue certificates of appointment  
22 shall be vested in the Civil Service Commission. All  
23 certificates of appointment issued to any officer or member of  
24 an affected department shall be signed by the chairperson and  
25 secretary, respectively, of the commission upon appointment of  
26 such officer or member to the affected department by the



1 commission. All persons who accept a certificate of appointment  
2 and successfully complete their probationary period shall be  
3 enrolled as regular members of the fire department.

4 (c) Qualification for placement on register of eligibles.  
5 The purpose for establishing a register of eligibles is to  
6 identify applicants who possess and demonstrate the mental  
7 aptitude, physical ability, and qualities of character to  
8 perform the duties required of members of the fire department  
9 in order to provide the highest quality of service to the  
10 public. To this end all applicants for original appointment to  
11 an affected fire department shall be subject to examination and  
12 testing which shall be public, competitive, and open to all  
13 applicants unless the municipality shall by ordinance limit  
14 applicants to electors of the municipality, county, State, or  
15 nation. Municipalities may establish educational, emergency  
16 medical service licensure, and other pre-requisites for  
17 participation in an examination or for hire as a firefighter.  
18 Any fee to cover the costs of the application process shall not  
19 exceed \$25.

20 Residency requirements in effect at the time an individual  
21 enters the fire service of a municipality (other than a  
22 municipality that has more than 1,000,000 inhabitants) cannot  
23 be made more restrictive for that individual during his or her  
24 period of service for that municipality, or be made a condition  
25 of promotion, except for the rank or position of Fire Chief and  
26 for no more than 2 positions that rank immediately below that

1 of the chief rank which are appointed positions pursuant to the  
2 Fire Department Promotion Act.

3 No person who has attained his or her 35th birthday shall  
4 be eligible to take an examination for a position as a  
5 firefighter unless the person has had previous employment  
6 status as a firefighter in the regularly constituted fire  
7 department of the municipality, except as provided in this  
8 Section. The age limitation does not apply to:

9 (1) any person previously employed as a firefighter in  
10 a regularly constituted fire department of (i) any  
11 municipality or fire protection district, regardless of  
12 whether the municipality or fire protection district is  
13 located in Illinois or in another state, (ii) a fire  
14 protection district whose obligations were assumed by a  
15 municipality under Section 21 of the Fire Protection  
16 District Act, or (iii) a municipality whose obligations  
17 were taken over by a fire protection district; or

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

23 Applicants who are 18 years of age and who have  
24 successfully completed 2 years of study in fire techniques,  
25 amounting to a total of 4 high school credits, within the cadet  
26 program of a municipality or a fire protection district may be

1 considered for appointment to active duty with the fire  
2 department of any municipality.

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

7 No municipality having a population less than 1,000,000  
8 shall require that any firefighter appointed to the lowest rank  
9 serve a probationary employment period of longer than one year  
10 of actual active employment, which may exclude periods of  
11 training, or injury or illness leaves, including duty related  
12 leave, in excess of 30 calendar days. Notwithstanding anything  
13 to the contrary in this Section, the probationary employment  
14 period limitation may be extended for a firefighter who is  
15 required, as a condition of employment, to be a certified  
16 paramedic, during which time the sole reason that a firefighter  
17 may be discharged without a hearing is for failing to meet the  
18 requirements for paramedic certification.

19 In the event that any applicant, who has been found  
20 eligible for appointment and whose name has been placed upon  
21 the final eligibility register provided for in this Division 1,  
22 has not been appointed to a firefighter position within one  
23 year from the date of his or her physical ability examination,  
24 the commission may cause a second examination to be made of  
25 such applicant's physical ability prior to his or her  
26 appointment. If, after the second examination, the physical

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

11 (d) Notice, examination, and testing components. Notice of  
12 the time, place, general scope, and fee of every examination  
13 shall be given by the commission, by a publication at least 2  
14 weeks preceding the examination, 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. Additional notice of the  
18 examination may be given as the commission shall prescribe.

19 The examination and qualifying standards for employment of  
20 firefighters shall be based on: mental aptitude, physical  
21 ability, preferences, moral character, and health. The mental  
22 aptitude, physical ability, and preference components will  
23 determine an applicant's qualification for and placement on the  
24 final register of eligibles. The consideration of an  
25 applicant's general moral character and health shall be  
26 administered on a pass-fail basis after a conditional offer of

1 employment is made by the commission.

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

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

1 description):

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

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

13 (3) The ability to carry out critical, time-sensitive,  
14 complex problem solving during physical exertion in  
15 stressful and hazardous environments, including hot, dark,  
16 tightly enclosed spaces, that is further aggravated by  
17 fatigue, flashing lights, sirens, and other distractions.

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

22 (g) Scoring of examination components. The examination  
23 components shall be graded on a 100-point scale. A person's  
24 position on the list shall be determined by the following: (i)  
25 the person's score on the written examination, (ii) the person  
26 successfully passing the physical ability component, and (iii)

1 the addition of any applicable preference points.

2 Applicants who pass both the written examination and the  
3 physical ability examination shall be placed on the initial  
4 eligibility register. The passing score for each of these test  
5 components shall be determined by calculating a mean score for  
6 all applicants participating in each test. In order to qualify  
7 for placement on the final eligibility register, an applicant's  
8 total score, including any applicable preference points, shall  
9 be at or above the mean score plus 20%.

10 The commission shall prepare and keep a register of persons  
11 whose total score is not less than the minimum fixed by this  
12 Section. These persons shall take rank upon the register as  
13 candidates in the order of their relative excellence based on  
14 the highest to the lowest total points scored on the mental  
15 aptitude, physical ability, and preference components of the  
16 test administered in accordance with this Section.

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

25 (h) Preferences. The following are preferences:

26 (1) Veteran preference. Persons who were engaged in the

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

8 (2) Fire cadet preference. Persons who have  
9 successfully completed 2 years of study in fire techniques  
10 or cadet training within a cadet program established under  
11 the rules of the commission of any municipality or fire  
12 district shall be preferred for appointment and employment  
13 in the fire department.

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

20 (4) Paramedic preference. Persons who have obtained  
21 certification as an Emergency Medical Technician-Paramedic  
22 (EMT-P) shall be preferred for appointment to and  
23 employment with the fire department of an affected  
24 department providing emergency medical services.

25 (5) Experience preference. All persons who have been  
26 paid-on-call or part-time certified Firefighter II, State



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

19 Upon request by the commission, the governing body of  
20 the municipality or in the case of applicants from outside  
21 the municipality the governing body of any fire protection  
22 district or any other municipality shall certify to the  
23 commission, within 10 days after the request, the number of  
24 years of successful paid-on-call, part-time, or full-time  
25 service of any person. A candidate may not receive the full  
26 amount of preference points under this subsection if the

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

10 (6) Scoring of preferences. Preference points shall be  
11 awarded in the order listed in items (1) through (5). The  
12 commission shall give preference for original appointment  
13 to persons designated in items (1) through (4) by adding to  
14 the final grade which they receive 5 points for each  
15 recognized preference achieved. Experience preference of  
16 up to 5 points shall then be added in accordance with item  
17 (5). The numerical result thus attained shall be applied by  
18 the commission in determining the final eligibility list  
19 and appointment from such eligibility list.

20 No person entitled to any preference shall be required to  
21 claim such credit before any examination held under the  
22 provisions of this Section but such 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 such claim shall be deemed waived. Final  
5 eligibility registers shall be established after the awarding  
6 of verified preference points, and appointment from the final  
7 register shall be subject to the applicant passing the  
8 qualifying standards for moral character and health. All  
9 conditional offers of employment shall be subject to the  
10 commission's initial hire background review including criminal  
11 history, employment history, moral character, oral  
12 examination, and medical examinations all on a pass-fail basis,  
13 with the medical examinations to be conducted last.

14 Any person placed on an eligibility list who exceeds the  
15 age requirement before being appointed to a fire department  
16 shall remain eligible for appointment until the list is  
17 abolished, or his or her name has been on the list for a period  
18 of 3 years. No person who has attained the age of 35 years  
19 shall be inducted into a fire department, except as otherwise  
20 provided in this Section.

21 The commission shall strike off the names of candidates for  
22 original appointment after the names have been on the list for  
23 more than 3 years.

24 (i) Moral character. No person shall be appointed to a fire  
25 department unless he or she is a person of good character; not  
26 a habitual drunkard, a gambler, or a person who has been

1 convicted of a felony or a crime involving moral turpitude.  
2 However, no person shall be disqualified from appointment to  
3 the fire department because of the person's record of  
4 misdemeanor convictions except those under Sections 11-6,  
5 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,  
6 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,  
7 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and subsections  
8 1, 6, and 8 of Section 24-1 of the Criminal Code of 1961 or  
9 arrest for any cause without conviction thereon. Any such  
10 person who is in the department may be removed on charges  
11 brought for violating this subsection and after a trial as  
12 hereinafter provided.

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

18 Whenever a commission is authorized or required by law to  
19 consider some aspect of criminal history record information for  
20 the purpose of carrying out its statutory powers and  
21 responsibilities, then, upon request and payment of fees in  
22 conformance with the requirements of Section 2605-400 of the  
23 State Police Law of the Civil Administrative Code of Illinois,  
24 the Department of State Police is authorized to furnish,  
25 pursuant to positive identification, such information  
26 contained in State files as is necessary to fulfill the

1 request.

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

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

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

20 (65 ILCS 5/10-1-7.2 new)

21 Sec. 10-1-7.2. Alternative procedure; original  
22 appointment; full-time firefighter.

23 (a) Authority. The State Fire Marshal shall be authorized  
24 to enter into intergovernmental agreements with local  
25 commissions to provide for the recruitment of applicants and to

1 conduct testing of interested applicants on a regional or  
2 statewide basis for the purpose of establishing a master  
3 register of eligibles for firefighters and  
4 firefighter-paramedics.

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

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

14 Qualified candidates shall be listed on the master  
15 register of eligibles in highest to lowest rank order based  
16 upon their test scores without regard to their date of  
17 examination. Candidates listed on the master register of  
18 eligibles shall be eligible for appointment for 3 years  
19 from the date of the certification of their final score on  
20 the register without regard to the date of their  
21 examination. After 3 years the candidate's name shall be  
22 struck from the list.

23 Any person currently employed as a full-time member of  
24 a fire department appointed pursuant to this Division,  
25 Division 2.1 of Article 10 of the Illinois Municipal Code,  
26 or the Fire Protection District Act and who during the

1 previous 12 months participated in and received a passing  
2 score on the physical ability component of the test may  
3 request that his or her name be added to the master  
4 register. Any eligible person may be offered employment by  
5 a local commission under the same procedures as provided by  
6 this Section except that the apprenticeship period may be  
7 waived and the applicant may be immediately issued a  
8 certificate of original appointment by the local  
9 commission.

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

11 The purpose for establishing a master register of eligibles  
12 shall be to identify applicants who possess and demonstrate the  
13 mental aptitude, physical ability, and qualities of character  
14 to perform the duties required of members of the fire  
15 department in order to provide the highest quality of service  
16 to the public. To this end all applicants for original  
17 appointment to an affected fire department through examination  
18 conducted by a regional process, shall be subject to  
19 examination and testing which shall be public, competitive, and  
20 open to all applicants. All qualifying and disqualifying  
21 factors applicable to examination processes for local  
22 commissions in this amendatory Act shall be applicable to  
23 persons participating in regional examinations unless  
24 specifically provided otherwise in this Section.

25 Notice of the time, place, general scope, and fee of every  
26 regional examination shall be given by the Fire Marshal or

1 designated testing agency, as applicable, by publication at  
2 least 2 weeks preceding the examination, in one or more  
3 newspapers published in the region, or if no newspaper is  
4 published therein, then in one or more newspapers of general  
5 circulation within the region. Additional notice of the  
6 examination may be given as the Fire Marshal shall prescribe.

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

18 (e) Mental aptitude. Examination of an applicant's mental  
19 aptitude shall be based upon written examination and an  
20 applicant's prior experience demonstrating an aptitude for and  
21 commitment to service as a member of a fire department. Written  
22 examinations shall be practical in character and relate to  
23 those matters which will fairly test the capacity of the  
24 persons examined to discharge the duties performed by members  
25 of a fire department. Written examinations shall be  
26 administered in a manner that ensures the security and accuracy



1 of the scores achieved. No person shall be placed on a register  
2 of eligibles who does not possess a high school diploma or an  
3 equivalent high school education. Local commissions may  
4 establish educational, emergency medical service licensure,  
5 and other pre-requisites for hire within their jurisdiction.

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

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

1 performing tasks and evolutions. Tasks tested are to be  
2 based on industry standards developed by the State Fire  
3 Marshal by rule.

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

7 (3) The ability to carry out critical, time-sensitive,  
8 complex problem solving during physical exertion in  
9 stressful, hazardous environments, including hot, dark,  
10 tightly enclosed spaces, that is further aggravated by  
11 fatigue, flashing lights, sirens, and other distractions.

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

19 Applicants who have achieved at least the mean score of all  
20 applicants participating in the written examination at the same  
21 time, and who successfully pass the physical ability  
22 examination will be placed on the initial eligibility register.  
23 For placement on the final eligibility register, the passing  
24 score shall be determined by (i) calculating the mean score for  
25 all applicants participating in the written test; and (ii)  
26 adding 20% to the mean score. Applicants whose total scores,

1 including any applicable preference points, are above the mean  
2 score plus 20%, shall be placed on the master register of  
3 eligibles by the State Fire Marshal.

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

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

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

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

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

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

24 (j) Selection from list. Any municipality or fire  
25 protection district that is a party to an intergovernmental  
26 agreement under the terms of which persons have been tested for

1 placement on the master register of eligibles shall be entitled  
2 to offer employment to any person on the list irrespective of  
3 their ranking on the list. The offer of employment shall be to  
4 the position of firefighter apprentice or  
5 firefighter-paramedic apprentice.

6 Applicants passing such tests may be employed as a  
7 firefighter apprentice or a firefighter-paramedic apprentice  
8 who shall serve an apprenticeship period of 12 months or less  
9 according to such terms and conditions of employment as the  
10 employing municipality or district offers, or as provided for  
11 under the terms of any collective bargaining agreement then in  
12 effect. Any probationary period set by the local commission  
13 shall apply to all new members.

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

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

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

24 (k) A person who knowingly divulges or receives test  
25 questions or answers before a written examination, or otherwise  
26 knowingly violates or subverts any requirement of this Section

1 commits a violation of this Section and may be subject to  
2 charges for official misconduct.

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

8 (65 ILCS 5/10-2.1-4) (from Ch. 24, par. 10-2.1-4)

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

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

23 If the chief of the fire department or the chief of the  
24 police department or both of them are appointed in the manner  
25 provided by ordinance, they may be removed or discharged by the

1 appointing authority. In such case the appointing authority  
2 shall file with the corporate authorities the reasons for such  
3 removal or discharge, which removal or discharge shall not  
4 become effective unless confirmed by a majority vote of the  
5 corporate authorities.

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

16 All appointments to each department other than that of the  
17 lowest rank, however, shall be from the rank next below that to  
18 which the appointment is made except as otherwise provided in  
19 this Section, and except that the chief of police and the chief  
20 of the fire department may be appointed from among members of  
21 the police and fire departments, respectively, regardless of  
22 rank, unless the council or board of trustees shall have by  
23 ordinance as to them otherwise provided. A chief of police or  
24 the chief of the fire department, having been appointed from  
25 among members of the police or fire department, respectively,  
26 shall be permitted, regardless of rank, to take promotional



1 exams and be promoted to a higher classified rank than he  
2 currently holds, without having to resign as chief of police or  
3 chief of the fire department.

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

1 agent, continue the existing practice or a modified practice  
2 and that agreement shall be considered a permissive subject of  
3 bargaining. A home rule unit may not regulate the hiring of  
4 temporary or substitute members of the municipality's fire  
5 department in a manner that is inconsistent with this Section.  
6 This Section is a limitation under subsection (i) of Section 6  
7 of Article VII of the Illinois Constitution on the concurrent  
8 exercise by home rule units of powers and functions exercised  
9 by the State.

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

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

18 Notwithstanding any other provision of this Section, the  
19 Chief of Police of a department in a non-homerule municipality  
20 of more than 130,000 inhabitants may, without the advice or  
21 consent of the Board of Fire and Police Commissioners, appoint  
22 up to 6 officers who shall be known as deputy chiefs or  
23 assistant deputy chiefs, and whose rank shall be immediately  
24 below that of Chief. The deputy or assistant deputy chiefs may  
25 be appointed from any rank of sworn officers of that  
26 municipality, but no person who is not such a sworn officer may

1 be so appointed. Such deputy chief or assistant deputy chief  
2 shall have the authority to direct and issue orders to all  
3 employees of the Department holding the rank of captain or any  
4 lower rank. A deputy chief of police or assistant deputy chief  
5 of police, having been appointed from any rank of sworn  
6 officers of that municipality, shall be permitted, regardless  
7 of rank, to take promotional exams and be promoted to a higher  
8 classified rank than he currently holds, without having to  
9 resign as deputy chief of police or assistant deputy chief of  
10 police.

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

1 exists in that rank. A deputy chief of police, having been  
2 appointed from any rank of sworn full-time officers of that  
3 municipality's police department, shall be permitted,  
4 regardless of rank, to take promotional exams and be promoted  
5 to a higher classified rank than he currently holds, without  
6 having to resign as deputy chief of police.

7 No municipality having a population less than 1,000,000  
8 shall require that any firefighter appointed to the lowest rank  
9 serve a probationary employment period of longer than one year.  
10 The limitation on periods of probationary employment provided  
11 in this amendatory Act of 1989 is an exclusive power and  
12 function of the State. Pursuant to subsection (h) of Section 6  
13 of Article VII of the Illinois Constitution, a home rule  
14 municipality having a population less than 1,000,000 must  
15 comply with this limitation on periods of probationary  
16 employment, which is a denial and limitation of home rule  
17 powers. 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 certified 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 certification.

24 To the extent that this Section or any other Section in  
25 this Division conflicts with Section 10-2.1-6.3 or 10-2.1-6.4,  
26 then Section 10-2.1-6.3 or 10-2.1-6.4 shall control.

1 (Source: P.A. 94-135, eff. 7-7-05; 94-984, eff. 6-30-06;  
2 95-490, eff. 6-1-08.)

3 (65 ILCS 5/10-2.1-6.3 new)

4 Sec. 10-2.1-6.3. Original appointments; full-time fire  
5 department.

6 (a) Applicability. Unless a commission elects to follow the  
7 provisions of Section 10-2.1-6.4, this Section shall apply to  
8 all original appointments to an affected full-time fire  
9 department. Existing registers of eligibles shall continue to  
10 be valid until their expiration dates, or up to a maximum of 2  
11 years after the effective date of this amendatory Act of the  
12 96th General Assembly.

13 Notwithstanding any statute, ordinance, rule, or other law  
14 to the contrary, all original appointments to an affected  
15 department to which this Section applies shall be administered  
16 in the manner provided for in this Section. Provisions of the  
17 Illinois Municipal Code, municipal ordinances, or 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 conflict between this Section and  
22 any other law, this Section shall control.

23 A home rule or non-home rule municipality may not  
24 administer its fire department process for original  
25 appointments in a manner that is inconsistent with this

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

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

12 Whenever an appointing authority authorizes action to hire  
13 a firefighter to fill a new position or vacancy due to  
14 resignation, discharge, promotion, death, the granting of a  
15 disability or retirement pension, or any other cause, the  
16 appointing authority shall appoint to that position the person  
17 with the highest ranking on the final eligibility list, except  
18 that the appointing authority shall have the right to pass over  
19 that person and appoint the next highest ranked person on the  
20 list if the appointing authority has reason to conclude that  
21 the highest ranked person fails to meet the minimum standards  
22 for the position after a conditional offer of employment has  
23 been made.

24 Any candidate may pass on an appointment once without  
25 losing his or her position on the register of eligibles. Any  
26 candidate who passes a second time shall be removed from the

1 list provided that such action shall not prejudice a person's  
2 opportunities to participate in future examinations, including  
3 an examination held during the time a candidate is already on  
4 the municipality's register of eligibles.

5 The sole authority to issue certificates of appointment  
6 shall be vested in the board of fire and police commissioners.  
7 All certificates of appointments issued to any officer or  
8 member of an affected department shall be signed by the  
9 chairperson and secretary, respectively, of the board upon  
10 appointment of such officer or member to the affected  
11 department by action of the board. Persons who have accepted  
12 certificates of appointment and successfully completed their  
13 probationary period shall be classified as regular members of  
14 the fire department.

15 (c) Qualification for placement on register of eligibles.  
16 The purpose of establishing a register of eligibles is to  
17 provide the highest quality of service to the public by  
18 identifying applicants who possess and demonstrate the mental  
19 aptitude, physical ability, and qualities of character to  
20 perform the duties required of members of the fire department.  
21 To this end all applicants for original appointment to an  
22 affected fire department shall be subject to examination and  
23 testing which shall be public, competitive, and open to all  
24 applicants unless the municipality shall by ordinance limit  
25 applicants to electors of the municipality, county, State, or  
26 nation. Municipalities may establish educational, emergency

1 medical service licensure, and other pre-requisites for  
2 participation in an examination, or for hire as a firefighter.  
3 Any fee to cover the costs of the application process shall not  
4 exceed \$25.

5 Residency requirements in effect at the time an individual  
6 enters the fire service of a municipality (other than a  
7 municipality that has more than 1,000,000 inhabitants) cannot  
8 be made more restrictive for that individual during his or her  
9 period of service for that municipality, or be made a condition  
10 of promotion, except for the rank or position of fire chief and  
11 for up to 2 individuals holding the rank immediately below that  
12 of the chief rank which are appointed positions pursuant to the  
13 Fire Department Promotion Act.

14 No person who has attained his or her 35th birthday shall  
15 be eligible to take an examination for a position as a  
16 firefighter unless the person has had previous employment  
17 status as a firefighter in the regularly constituted fire  
18 department of the municipality, except as provided in this  
19 Section. The age limitation does not apply to:

20 (1) any person previously employed as a firefighter in  
21 a regularly constituted fire department of (i) any  
22 municipality or fire protection district, regardless of  
23 whether the municipality or fire protection district is  
24 located in Illinois or in another state, (ii) a fire  
25 protection district whose obligations were assumed by a  
26 municipality under Section 21 of the Fire Protection



1 District Act, or (iii) a municipality whose obligations  
2 were taken over by a fire protection district; or

3 (2) to any person who has served a municipality as a  
4 regularly enrolled volunteer, paid-on-call, or part-time  
5 firefighter for 5 years immediately preceding the time that  
6 municipality begins to use full-time firefighters to  
7 provide all or part of its fire protection service.

8 Applicants who are 18 years of age and who have  
9 successfully completed 2 years of study in fire techniques,  
10 amounting to a total of 4 high school credits, within the cadet  
11 program of a municipality fire protection district may be  
12 considered for appointment to active duty with the fire  
13 department of any municipality.

14 No applicant shall be examined concerning his or her  
15 political or religious opinions or affiliations. The  
16 examinations shall be conducted by the commissioners of the  
17 municipality or their designees and agents.

18 No municipality having a population less than 1,000,000  
19 shall require that any firefighter appointed to the lowest rank  
20 serve a probationary employment period of longer than one year  
21 of actual active employment, which may exclude periods of  
22 training, or injury or illness leaves, including duty related  
23 leave, in excess of 30 calendar days. Notwithstanding anything  
24 to the contrary in this Section, the probationary employment  
25 period limitation may be extended for a firefighter who is  
26 required, as a condition of employment, to be a certified

1 paramedic, during which time the sole reason that a firefighter  
2 may be discharged without a hearing is for failing to meet the  
3 requirements for paramedic certification.

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

23 (d) Notice, examination, and testing components. Notice of  
24 the time, place, general scope, and fee of every examination  
25 shall be given by the commission, by a publication at least 2  
26 weeks preceding the examination, in one or more newspapers

1 published in the municipality, or if no newspaper is published  
2 therein, then in one or more newspapers of general circulation  
3 within the municipality. Additional notice of the examination  
4 may be given as the commission shall prescribe.

5 The examination and qualifying standards for employment of  
6 firefighters shall be based on: mental aptitude, physical  
7 ability, preferences, moral character, and health. The mental  
8 aptitude, physical ability, and preference components will  
9 determine an applicant's qualification for and placement on the  
10 final register of eligibles. The consideration of an  
11 applicant's general moral character and health shall be  
12 administered on a pass-fail basis after a conditional offer of  
13 employment is made by the commission.

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

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

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

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

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

25 (3) The ability to carry out critical, time-sensitive,  
26 complex problem solving during physical exertion in

1       stressful, hazardous environments, including hot, dark,  
2       tightly enclosed spaces, that is further aggravated by  
3       fatigue, flashing lights, sirens, and other distractions.

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

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

14       Applicants who have achieved at least the mean score of all  
15       applicants participating in the written examination at the same  
16       time, and who successfully pass the physical ability  
17       examination will be placed on the initial eligibility register.  
18       For placement on the final eligibility register, the passing  
19       score shall be determined by (i) calculating the mean score for  
20       all applicants participating in the written test; and (ii)  
21       adding 20% to the mean score. Applicants whose total scores,  
22       including any applicable preference points, are above the mean  
23       score plus 20%, shall be placed on the final register of  
24       eligibles by the commission.

25       The commission shall prepare and keep a register of persons  
26       whose total score is not less than the minimum fixed by this

1 Section. These persons shall take rank upon the register as  
2 candidates in the order of their relative excellence based on  
3 the highest to the lowest total points scored on the mental  
4 aptitude, physical ability, and preference components of the  
5 test administered in accordance with this Section.

6 Commissions may conduct additional examinations after a  
7 final eligibility register is established and before it expires  
8 with the candidates ranked by total score without regard to  
9 date of examination. No more than 60 days after each  
10 examination, an initial eligibility list shall be posted by the  
11 commission which shall show the final grades of the candidates  
12 without reference to priority of time of examination and  
13 subject to claim for preference credit.

14 (h) Preferences. The following are preferences:

15 (1) Veteran preference. Persons who were engaged in the  
16 military service of the United States for a period of at  
17 least one year of active duty and who were honorably  
18 discharged therefrom, or who are now or have been members  
19 on inactive or reserve duty in such military or naval  
20 service, shall be preferred for appointment and employment  
21 in the fire department of an affected department.

22 (2) Fire cadet preference. Persons who have  
23 successfully completed 2 years of study in fire techniques  
24 or cadet training within a cadet program established under  
25 the rules of the commission of any municipality or fire  
26 district shall be preferred for appointment and employment

1 in the fire department.

2 (3) Educational preference. Persons who have  
3 successfully obtained an associate's degree in the field of  
4 fire service, or emergency medical services, or a  
5 bachelor's degree from an accredited college or university  
6 shall be preferred for appointment and employment in the  
7 fire department.

8 (4) Paramedic preference. Persons who have obtained  
9 certification as an Emergency Medical Technician-Paramedic  
10 (EMT-P) shall be preferred for appointment and employment  
11 in the fire department of an affected department providing  
12 emergency medical services.

13 (5) Experience preference. All persons who have been  
14 paid-on-call or part-time certified Firefighter II, State  
15 of Illinois or nationally licensed EMT-B or EMT-I, or any  
16 combination of those capacities, of the municipality shall  
17 be awarded 0.5 point for each year of successful service in  
18 one or more of those capacities, up to a maximum of 5  
19 points. Certified Firefighter III and State of Illinois or  
20 nationally licensed paramedics shall be awarded one point  
21 per year up to a maximum of 5 points. Applicants from  
22 outside the municipality who were employed as full-time  
23 firefighters or firefighter-paramedics by a fire  
24 protection district or another municipality for at least 2  
25 years shall have the same preference as paid-on-call or  
26 part-time personnel. These additional points presuppose a

1 rating scale totaling 100 points available for the  
2 eligibility list. If more or fewer points are used in the  
3 rating scale for the eligibility list, the points awarded  
4 under this subsection shall be increased or decreased by a  
5 factor equal to the total possible points available for the  
6 examination divided by 100.

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

24 (6) Scoring of preferences. Preference points shall be  
25 awarded in the order listed in items (1) through (5). The  
26 commission shall give preference for original appointment



1       to persons designated in items (1) through (4) by adding to  
2       the final grade which they receive 5 points for each  
3       recognized preference achieved. Experience preference of  
4       up to 5 points shall then be added in accordance with item  
5       (5). The numerical result thus attained shall be applied by  
6       the commission in determining the final eligibility list  
7       and appointment from such eligibility list.

8       No person entitled to any preference shall be required to  
9       claim such credit before any examination held under the  
10       provisions of this Section. Such preference shall be given  
11       after the posting or publication of the initial eligibility  
12       list or register at the request of such person before any  
13       certification or appointments are made from the eligibility  
14       register, upon the furnishing of verifiable evidence and proof  
15       of qualifying preference credit. Candidates who are eligible  
16       for preference credit shall make a claim in writing within 10  
17       days after the posting of the initial eligibility list or such  
18       claim shall be deemed waived. Final eligibility registers shall  
19       be established after the awarding of verified preference  
20       points, and appointment from the final register shall be  
21       subject to the applicant passing the qualifying standards for  
22       moral character and health respectively. All conditional  
23       offers of employment shall be subject to the commission's  
24       initial hire background review including criminal history,  
25       employment history, moral character, oral examination, and  
26       medical examinations all on a pass-fail basis, with the medical

1 examinations to be conducted last.

2 Any person placed on an eligibility list who exceeds the  
3 age requirement before being appointed to a fire department  
4 shall remain eligible for appointment until the list is  
5 abolished, or his or her name has been on the list for a period  
6 of 3 years. No person who has attained the age of 35 years  
7 shall be inducted into a fire department, except as otherwise  
8 provided in this Section.

9 The commission shall strike off the names of candidates for  
10 original appointment after the names have been on the list for  
11 more than 3 years.

12 (i) Moral character. No person shall be appointed to a fire  
13 department unless he or she is a person of good character; not  
14 a habitual drunkard, a gambler, or a person who has been  
15 convicted of a felony or a crime involving moral turpitude.  
16 However, no person shall be disqualified from appointment to  
17 the fire department because of such person's record of  
18 misdemeanor convictions except those under Sections 11-6,  
19 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,  
20 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,  
21 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and subsections  
22 1, 6, and 8 of Section 24-1 of the Criminal Code of 1961 or  
23 arrest for any cause without conviction thereon. Any such  
24 person who is in the department may be removed on charges  
25 brought and after a trial as hereinafter provided.

26 A classifiable set of the fingerprints of every person who

1 is offered employment as a certificated member of an affected  
2 fire department whether with or without compensation, shall be  
3 furnished to the Illinois Department of State Police and to the  
4 Federal Bureau of Investigation by the commission.

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

15 (j) Temporary appointments. In order to prevent a stoppage  
16 of public business, to meet extraordinary exigencies, or to  
17 prevent material impairment of the fire department, the  
18 commission may make temporary appointments, to remain in force  
19 until regular appointments may be made under the provisions of  
20 this Division, but never to exceed 60 days. No temporary  
21 appointment of any one person shall be made more than twice in  
22 any calendar year.

23 (k) A person who knowingly divulges or receives test  
24 questions or answers before a written examination, or otherwise  
25 knowingly violates or subverts any requirement of this Section  
26 commits a violation of this Section and may be subject to

1 charges for official misconduct.

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

7 (65 ILCS 5/10-2.1-6.4 new)

8 Sec. 10-2.1-6.4. Alternate procedure; original  
9 appointment; full-time firefighter.

10 (a) Authority. The State Fire Marshal shall be authorized  
11 to enter into intergovernmental agreements with local  
12 commissions to provide for the recruitment of applicants and to  
13 conduct testing of interested applicants on a regional or  
14 statewide basis for the purpose of establishing a master  
15 register of eligibles for firefighters and  
16 firefighter-paramedics.

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

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

1           Qualified candidates shall be listed on the master  
2           register of eligibles in highest to lowest rank order based  
3           upon their test scores without regard to their date of  
4           examination. Candidates listed on the master register of  
5           eligibles shall be eligible for appointment for 3 years  
6           from the date of the certification of their final score on  
7           the register without regard to their date of examination.  
8           After 3 years the candidate's name shall be struck from the  
9           list.

10           Any person currently employed as a full-time member of  
11           a fire department appointed pursuant to Division 1 of  
12           Article 10 of the Illinois Municipal Code, Division 2.1 of  
13           Article 10 of the Illinois Municipal Code, or the Fire  
14           Protection District Act and who during the previous 12  
15           months participated in and received a passing score on the  
16           physical ability component of the test as provided by this  
17           Section may request that his or her name be added to the  
18           master register. Any such persons may be offered employment  
19           by a local commission under the same procedures as provided  
20           by this Section except that the apprenticeship period may  
21           be waived and the applicant may be immediately issued a  
22           certificate of original appointment by the local  
23           commission.

24           (c) Qualifications for placement on register of eligibles.  
25           The purpose for establishing a master register of eligibles  
26           shall be to identify applicants who possess and demonstrate the

1 mental aptitude, physical ability, and qualities of character  
2 to perform the duties required of members of the fire  
3 department in order to provide the highest quality of service  
4 to the public. To this end all applicants for original  
5 appointment to an affected fire department through examination  
6 conducted by a regional process, shall be subject to  
7 examination and testing which shall be public, competitive, and  
8 open to all applicants. All qualifying and disqualifying  
9 factors applicable to examination processes for local  
10 commissions in this amendatory Act shall be applicable to  
11 persons participating in regional examinations unless  
12 specifically provided otherwise in this Section.

13 Notice of the time, place, general scope, and fee of every  
14 regional examination shall be given by the Fire Marshal or  
15 designated testing agency, as applicable, by a publication at  
16 least 2 weeks preceding the examination, in one or more  
17 newspapers published in the region, or if no newspaper is  
18 published therein, then in one or more newspapers with a  
19 general circulation within the region. Additional notice of the  
20 examination may be given as the Fire Marshal shall prescribe.

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

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

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

20 (f) Physical ability. All candidates shall be required to  
21 undergo an examination of their physical ability to perform the  
22 essential functions included in the duties they may be called  
23 upon to perform as a member of a fire department. For the  
24 purposes of this Section, essential functions of the job are  
25 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 such 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. Such examinations shall be open, competitive, and  
5 based on industry standards designed to test each applicant's  
6 physical abilities in each of the following dimensions (or  
7 similar test designed to ensure the successful candidates are  
8 able to perform the essential functions of a firefighter's job  
9 description):

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

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

21 (3) The ability to carry out critical, time-sensitive,  
22 complex problem solving during physical exertion in  
23 stressful, hazardous environments, including hot, dark,  
24 tightly enclosed spaces, that is further aggravated by  
25 fatigue, flashing lights, sirens, and other distractions.

26 (g) Scoring of examination components. The examination



1 components shall be graded on a 100-point scale. A person's  
2 position on the master register of eligibles shall be  
3 determined by the person's score on the written examination,  
4 the person successfully passing the physical ability  
5 component, and the addition of any applicable preference  
6 points.

7 Applicants who have achieved at least the mean score of all  
8 applicants participating in the written examination at the same  
9 time, and who successfully pass the physical ability  
10 examination will be placed on the initial eligibility register.  
11 For placement on the final eligibility register, the passing  
12 score shall be determined by (i) calculating the mean score for  
13 all applicants participating in the written test; and (ii)  
14 adding 20% to the mean score. Applicants whose total scores,  
15 including any applicable preference points, are above the mean  
16 score plus 20%, shall be placed on the master register of  
17 eligibles by the State Fire Marshal.

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

24 No later than 60 days after each examination, a revised  
25 master register of eligibles shall be posted by the Fire  
26 Marshal which shall show the final grades of the candidates

1 without reference to priority of time of examination.

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

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

19 (i) Firefighter apprentice and firefighter-paramedic  
20 apprentice. The employment of an applicant to an apprentice  
21 position (including a currently employed full-time member of a  
22 fire department whose apprenticeship may be reduced or waived)  
23 shall be subject to the applicant's passing the moral character  
24 standards and health examinations of the local commission. In  
25 addition, a local commission may require as a condition of  
26 employment that the applicant demonstrate current physical

1 ability by either passing the local commission's approved  
2 physical ability examination, or by presenting proof of  
3 participating in and receiving a passing score on the physical  
4 ability component of a regional test within a period of up to  
5 12 months before the date of the conditional offer of  
6 employment. All conditional offers of employment shall be  
7 subject to the local commission's initial hire background  
8 review including criminal history, employment history, moral  
9 character, oral examination, and medical examinations all on a  
10 pass-fail basis, with the medical examinations to be conducted  
11 last.

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

20 Applicants passing such tests may be employed as  
21 firefighter apprentices or firefighter-paramedic apprentices  
22 who shall serve an apprenticeship period of 12 months or less  
23 according to such terms and conditions of employment as the  
24 employing municipality or district offers, or as are provided  
25 for under the terms of any collective bargaining agreement then  
26 in effect. Any probationary period set by the local commission

1 shall apply to all new members.

2 Service during the apprenticeship period shall be on a  
3 probationary basis. During such apprenticeship period the  
4 apprentice's training and performance shall be monitored and  
5 evaluated by a Joint Apprenticeship Committee. The Joint  
6 Apprenticeship Committee shall consist of 4 members who shall  
7 be regular members of the fire department with at least 10  
8 years of full-time work experience as a firefighter or  
9 firefighter-paramedic. The fire chief and the president of the  
10 exclusive bargaining representative recognized by the employer  
11 shall each appoint 2 members to the Joint Apprenticeship  
12 Committee. In the absence of an exclusive collective bargaining  
13 representative, the chief shall appoint the remaining 2 members  
14 who shall be from the ranks of company officer and firefighter  
15 with at least 10 years of work experience as a firefighter or  
16 firefighter-paramedic. In the absence of a sufficient number of  
17 qualified firefighters, the Joint Apprenticeship Committee  
18 members shall have the experience and qualifications as is  
19 reasonable given the circumstances of the fire department. In  
20 the absence of a full-time member in a rank between chief and  
21 the highest rank in a bargaining unit, the Joint Apprenticeship  
22 Committee shall be reduced to 2 members, one to be appointed by  
23 the chief and one by the union president, if any. If there is  
24 no exclusive bargaining representative, the chief shall  
25 appoint the second member of the Joint Apprenticeship Committee  
26 from among qualified members in the ranks of company officer

1 and below. Before the conclusion of the apprenticeship period,  
2 the Joint Apprenticeship Committee shall meet to consider the  
3 apprentice's progress and performance and vote to retain the  
4 apprentice as a member of the fire department or to terminate  
5 the apprenticeship. If 3 of the 4 members of the Joint  
6 Apprenticeship Committee affirmatively vote to retain the  
7 apprentice (if a 2 member Joint Apprenticeship Committee  
8 exists, then both members must affirmatively vote to retain the  
9 apprentice), the local commission shall issue the apprentice a  
10 certificate of original appointment to the fire department.

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

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

21 Section 10. The Fire Protection District Act is amended by  
22 changing Section 16.04a and by adding Sections 16.06b and  
23 16.06c as follows:

24 (70 ILCS 705/16.04a) (from Ch. 127 1/2, par. 37.04a)

1           Sec. 16.04a. The board of fire commissioners shall appoint  
2 all officers and members of the fire departments of the  
3 district, except the Chief of the fire department. The board of  
4 trustees shall appoint the Chief of the fire department, who  
5 shall serve at the pleasure of the board, and may enter into a  
6 multi-year contract not exceeding 3 years with the Chief.

7           If a member of the department is appointed Chief of the  
8 fire department prior to being eligible to retire on pension he  
9 shall be considered as on furlough from the rank he held  
10 immediately prior to his appointment as Chief. If he resigns as  
11 Chief or is discharged as Chief prior to attaining eligibility  
12 to retire on pension, he shall revert to and be established in  
13 such prior rank, and thereafter be entitled to all the benefits  
14 and emoluments of such prior rank, without regard as to whether  
15 a vacancy then exists in such rank. In such instances, the  
16 Chief shall be deemed to have continued to accrue seniority in  
17 the department during his period of service as Chief, or time  
18 in grade in his former rank to which he shall revert during his  
19 period of service as Chief, except solely for purposes of any  
20 layoff as provided in Section 16.13b hereafter.

21           All appointments to each department other than that of the  
22 lowest rank, however, shall be from the rank next below that to  
23 which the appointment is made, except that the Chief of the  
24 fire department may be appointed from among members of the fire  
25 department, regardless of rank.

26           The sole authority to issue certificates of appointment

1 shall be vested in the board of fire commissioners and all  
2 certificates of appointments issued to any officer or member of  
3 the fire department shall be signed by the chairman and  
4 secretary respectively of the board of fire commissioners upon  
5 appointment of such officer or member of the fire department by  
6 action of the board of fire commissioners.

7 To the extent that this Section or any other Section in  
8 this Act conflicts with Section 16.06b or 16.06c, then Section  
9 16.06b or 16.06c shall control.

10 (Source: P.A. 91-948, eff. 1-1-02.)

11 (70 ILCS 705/16.06b new)

12 Sec. 16.06b. Original appointments; full-time fire  
13 department.

14 (a) Applicability. Unless a commission elects to follow the  
15 provisions of Section 16.06c, this Section shall apply to all  
16 original appointments to an affected full-time fire  
17 department. Existing registers of eligibles shall continue to  
18 be valid until their expiration dates, or up to a maximum of 2  
19 years after the effective date of this amendatory Act of the  
20 96th General Assembly.

21 Notwithstanding any statute, ordinance, rule, or other law  
22 to the contrary, all original appointments to an affected  
23 department to which this Section applies shall be administered  
24 in the manner provided for in this Section. Provisions of the  
25 Illinois Municipal Code, Fire Protection District Act, fire

1 district ordinances, or rules adopted pursuant to such  
2 authority and other laws relating to initial hiring of  
3 firefighters in affected departments shall continue to apply to  
4 the extent they are compatible with this Section, but in the  
5 event of conflict between this Section and any other law, this  
6 Section shall control.

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

14 Whenever an appointing authority authorizes action to hire  
15 a firefighter to fill a new position or vacancy due to  
16 resignation, discharge, promotion, death, or the granting of a  
17 disability or retirement pension, or any other cause, the  
18 appointing authority shall appoint to that position the person  
19 with the highest ranking on the final eligibility list, except  
20 that the appointing authority shall have the right to pass over  
21 that person and appoint the next highest ranked person on the  
22 list if the appointing authority has reason to conclude that  
23 the highest ranked person fails to meet the minimum standards  
24 for the position after a conditional offer of employment has  
25 been made.

26 Any candidate may pass on an appointment once without



1 losing his or her position on the register of eligibles. Any  
2 candidate who passes a second time shall be removed from the  
3 list provided that such action shall not prejudice a person's  
4 opportunities to participate in future examinations, including  
5 an examination held during the time a candidate is already on  
6 the fire district's register of eligibles.

7 The sole authority to issue certificates of appointment  
8 shall be vested in the board of fire commissioners, or board of  
9 trustees serving in the capacity of a board of fire  
10 commissioners. All certificates of appointments issued to any  
11 officer or member of an affected department shall be signed by  
12 the chairperson and secretary, respectively, of the commission  
13 upon appointment of such officer or member to the affected  
14 department by action of the commission. Persons who have  
15 accepted certificates of appointment and successfully  
16 completed their probationary period shall be classified as  
17 regular members of the fire department.

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

1 applicants unless the district shall by ordinance limit  
2 applicants to electors of the district, county, State, or  
3 nation. Districts may establish educational, emergency medical  
4 service licensure, and other pre-requisites for participation  
5 in an examination, or for hire as a firefighter. Any fee to  
6 cover the costs of the application process shall not exceed  
7 \$25.

8 Residency requirements in effect at the time an individual  
9 enters the fire service of a district cannot be made more  
10 restrictive for that individual during his or her period of  
11 service for that district, or be made a condition of promotion,  
12 except for the rank or position of fire chief and for up to 2  
13 individuals holding the rank immediately below that of the  
14 chief rank which are appointed positions pursuant to the Fire  
15 Department Promotion Act.

16 No person who has attained his or her 35th birthday shall  
17 be eligible to take an examination for a position as a  
18 firefighter unless the person has had previous employment  
19 status as a firefighter in the regularly constituted fire  
20 department of the district, except as provided in this Section.  
21 The age limitation does not apply to:

22 (1) any person previously employed as a firefighter in  
23 a regularly constituted fire department of (i) any  
24 municipality or fire protection district, regardless of  
25 whether the municipality or fire protection district is  
26 located in Illinois or in another state, (ii) a fire

1 protection district whose obligations were assumed by a  
2 municipality under Section 21 of the Fire Protection  
3 District Act, or (iii) a municipality whose obligations  
4 were taken over by a fire protection district; or

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

10 Applicants who are 18 years of age and who have  
11 successfully completed 2 years of study in fire techniques,  
12 amounting to a total of 4 high school credits, within the cadet  
13 program of a municipality or fire protection district may be  
14 considered for appointment to active duty with the fire  
15 department of any district.

16 No applicant shall be examined concerning his or her  
17 political or religious opinions or affiliations. The  
18 examinations shall be conducted by the commissioners of the  
19 district or their designees and agents.

20 No district shall require that any firefighter appointed to  
21 the lowest rank serve a probationary employment period of  
22 longer than one year of actual active employment, which may  
23 exclude periods of training, or injury or illness leaves,  
24 including duty related leave, in excess of 30 calendar days.  
25 Notwithstanding anything to the contrary in this Section, the  
26 probationary employment period limitation may be extended for a

1 firefighter who is required, as a condition of employment, to  
2 be a certified paramedic, during which time the sole reason  
3 that a firefighter may be discharged without a hearing is for  
4 failing to meet the requirements for paramedic certification.

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

24 (d) Notice, examination, and testing components. Notice of  
25 the time, place, general scope, and fee of every examination  
26 shall be given by the commission, by a publication at least 2

1 weeks preceding the examination, in one or more newspapers  
2 published in the district, or if no newspaper is published  
3 therein, then in one or more newspapers of general circulation  
4 within the district. Additional notice of the examination may  
5 be given as the commission shall prescribe.

6 The examination and qualifying standards for employment of  
7 firefighters shall be based on: mental aptitude, physical  
8 ability, preferences, moral character, and health. The mental  
9 aptitude, physical ability, and preference components will  
10 determine an applicant's qualification for and placement on the  
11 final register of eligibles. The consideration of an  
12 applicant's general moral character and health shall be  
13 administered on a pass-fail basis after a conditional offer of  
14 employment is made by the commission.

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

25 (f) Physical ability. All candidates shall be required to  
26 undergo an examination of their physical ability to perform the

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

15 (1) Muscular strength to perform tasks and evolutions  
16 that may be required in the performance of duties including  
17 grip strength, leg strength, and arm strength. Tests shall  
18 be conducted under anaerobic as well as aerobic conditions  
19 to test both the candidate's speed and endurance in  
20 performing tasks and evolutions. Tasks tested may be based  
21 on standards developed, or approved, by the local  
22 appointing authority.

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

26 (3) The ability to carry out critical, time-sensitive,

1 complex problem solving during physical exertion in  
2 stressful, hazardous environments, including hot, dark,  
3 tightly enclosed spaces, that is further aggravated by  
4 fatigue, flashing lights, sirens, and other distractions.

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

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

15 Applicants who have achieved at least the mean score of all  
16 applicants participating in the written examination at the same  
17 time, and who successfully pass the physical ability  
18 examination will be placed on the initial eligibility register.  
19 For placement on the final eligibility register, the passing  
20 score shall be determined by (i) calculating the mean score for  
21 all applicants participating in the written test; and (ii)  
22 adding 20% to the mean score. Applicants whose total scores,  
23 including any applicable preference points, are equal to or  
24 above the mean score plus 20%, shall be placed on the final  
25 register of eligibles by the commission.

26 The commission shall prepare and keep a register of persons

1 whose total score is not less than the minimum fixed by this  
2 Section. These persons shall take rank upon the register as  
3 candidates in the order of their relative excellence based on  
4 the highest to the lowest total points scored on the mental  
5 aptitude, physical ability, and preference components of the  
6 test administered in accordance with this Section.

7 Commissions may conduct additional examinations after a  
8 final eligibility register is established and before it expires  
9 with the candidates ranked by total score without regard to  
10 date of examination. No later than 60 days after each  
11 examination, an initial eligibility list shall be posted by the  
12 commission which shall show the final grades of the candidates  
13 without reference to priority of time of examination and  
14 subject to claim for preference credit.

15 (h) Preferences. The following are preferences:

16 (1) Veteran preference. Persons who were engaged in the  
17 military service of the United States for a period of at  
18 least one year of active duty and who were honorably  
19 discharged therefrom, or who are now or have been members  
20 on inactive or reserve duty in such military or naval  
21 service, shall be preferred for appointment and employment  
22 in the fire department of an affected department.

23 (2) Fire cadet preference. Persons who have  
24 successfully completed 2 years of study in fire techniques  
25 or cadet training within a cadet program established under  
26 the rules of the commission of any municipality or fire



1 district shall be preferred for appointment and employment  
2 in the fire department.

3 (3) Educational preference. Persons who have  
4 successfully obtained an associate's degree in the field of  
5 fire service, or emergency medical services, or a  
6 bachelor's degree from an accredited college or university  
7 shall be preferred for appointment and employment in the  
8 fire department.

9 (4) Paramedic preference. Persons who have obtained  
10 certification as an Emergency Medical Technician-Paramedic  
11 (EMT-P) shall be preferred for appointment and employment  
12 in the fire department of an affected department providing  
13 emergency medical services.

14 (5) Experience preference. All persons who have been  
15 paid-on-call or part-time certified Firefighter II, State  
16 of Illinois or nationally licensed EMT-B or EMT-I, or any  
17 combination thereof, of the district shall be awarded 0.5  
18 point for each year of successful service in one or more of  
19 those capacities, up to a maximum of 5 points. Certified  
20 Firefighter III and State of Illinois or nationally  
21 licensed paramedics shall be awarded one point per year up  
22 to a maximum of 5 points. Applicants from outside the  
23 district who were employed as full-time firefighters or  
24 firefighter-paramedics by a fire protection district or  
25 municipality for at least 2 years shall have the same  
26 preference as paid-on-call or part-time personnel. These

1 additional points presuppose a rating scale totaling 100  
2 points available for the eligibility list. If more or fewer  
3 points are used in the rating scale for the eligibility  
4 list, the points awarded under this subsection shall be  
5 increased or decreased by a factor equal to the total  
6 possible points available for the examination divided by  
7 100.

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

25 (6) Scoring of preferences. Preference points shall be  
26 awarded in the order listed in items (1) through (5). The

1 commission shall give preference for original appointment  
2 to persons designated in items (1) through (4) by adding to  
3 the final grade which they receive 5 points for each  
4 recognized preference achieved. Experience preference of  
5 up to 5 points shall then be added in accordance with item  
6 (5). The numerical result thus attained shall be applied by  
7 the commission in determining the final eligibility list  
8 and appointment from such eligibility list.

9 No person entitled to any preference shall be required to  
10 claim such credit before any examination held under the  
11 provisions of this Section but such preference shall be given  
12 after the posting or publication of the initial eligibility  
13 list or register at the request of such person before any  
14 certification or appointments are made from the eligibility  
15 register, upon the furnishing of verifiable evidence and proof  
16 of qualifying preference credit. Candidates who are eligible  
17 for preference credit shall make a claim in writing within 10  
18 days after the posting of the initial eligibility list or such  
19 claim shall be deemed waived. Final eligibility registers shall  
20 be established after the awarding of verified preference  
21 points, and appointment from the final register shall be  
22 subject to the applicant passing the qualifying standards for  
23 moral character and health respectively. All conditional  
24 offers of employment shall be subject to the commission's  
25 initial hire background review including criminal history,  
26 employment history, moral character, oral examination, and

1 medical examinations all on a pass-fail basis, with the medical  
2 examinations to be conducted last.

3 Any person placed on an eligibility list who exceeds the  
4 age requirement before being appointed to a fire department  
5 shall remain eligible for appointment until the list is  
6 abolished, or their name has been on the list for a period of 3  
7 years. No person who has attained the age of 35 years shall be  
8 inducted into a fire department, except as otherwise provided  
9 in this Section.

10 The commission shall strike off the names of candidates for  
11 original appointment after the names have been on the list for  
12 more than 3 years.

13 (i) Moral character. No person shall be appointed to a fire  
14 department unless he or she is a person of good character; not  
15 a habitual drunkard, a gambler, or a person who has been  
16 convicted of a felony or a crime involving moral turpitude.  
17 However, no person shall be disqualified from appointment to  
18 the fire department because of such person's record of  
19 misdemeanor convictions except those under Sections 11-6,  
20 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,  
21 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,  
22 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and subsections  
23 1, 6, and 8 of Section 24-1 of the Criminal Code of 1961 or  
24 arrest for any cause without conviction thereon. Any such  
25 person who is in the department may be removed on charges  
26 brought and after a trial as hereinafter provided.

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

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

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

24       (k) A person who knowingly divulges or receives test  
25 questions or answers before a written examination, or otherwise  
26 knowingly violates or subverts any requirement of this Section

1 commits a violation of this Section and may be subject to  
2 charges for official misconduct.

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

8 (70 ILCS 705/16.06c new)

9 Sec. 16.06c. Alternative procedure; original appointment;  
10 full-time firefighter.

11 (a) Authority. The State Fire Marshal shall be authorized  
12 to enter into intergovernmental agreements with local  
13 commissions to provide for the recruitment of applicants and to  
14 conduct testing of interested applicants on a regional or  
15 statewide basis for the purpose of establishing a master  
16 register of eligibles for firefighters and  
17 firefighter-paramedics.

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

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

1 as is set forth in this Section.

2 Qualified candidates shall be listed on the master  
3 register of eligibles in highest to lowest rank order based  
4 upon their test scores without regard to their date of  
5 examination. Candidates listed on the master register of  
6 eligibles shall be eligible for appointment for 3 years  
7 from the date of the certification of their final score on  
8 the register. After 3 years the candidate's name shall be  
9 struck from the list.

10 Any person currently employed as a full-time member of  
11 a fire department appointed pursuant to Division 1 of  
12 Article 10 of the Illinois Municipal Code, Division 2.1 of  
13 Article 10 of the Illinois Municipal Code, or the Fire  
14 Protection District Act and who during the previous 12  
15 months participated in and received a passing score on the  
16 physical ability component of the test as provided by this  
17 Section may request that their names be added to the master  
18 register. Any such persons may be offered employment by a  
19 local commission under the same procedures as provided by  
20 this Section except that the apprenticeship period may be  
21 waived and the applicant may be immediately issued a  
22 certificate of original appointment by the local  
23 commission.

24 (c) Qualifications for placement on register of eligibles.  
25 The purpose for establishing a master register of eligibles  
26 shall be to identify applicants who possess and demonstrate the

1 mental aptitude, physical ability, and qualities of character  
2 to perform the duties required of members of the fire  
3 department in order to provide the highest quality of service  
4 to the public. To this end all applicants for original  
5 appointment to an affected fire department through examination  
6 conducted by a regional process, shall be subject to  
7 examination and testing which shall be public, competitive, and  
8 open to all applicants. All qualifying and disqualifying  
9 factors applicable to examination processes for local  
10 commissions in this amendatory Act shall be applicable to  
11 persons participating in regional examinations unless  
12 specifically provided otherwise in this Section.

13 Notice of the time, place, general scope, and fee of every  
14 regional examination shall be given by the Fire Marshal or  
15 designated testing agency, as applicable, by a publication at  
16 least 2 weeks preceding the examination, in one or more  
17 newspapers published in the region, or if no newspaper is  
18 published therein, then in one or more newspapers with a  
19 general circulation within the region. Additional notice of the  
20 examination may be given as prescribed by the Fire Marshal.

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



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

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

20 (f) Physical ability. All candidates shall be required to  
21 undergo an examination of their physical ability to perform the  
22 essential functions included in the duties they may be called  
23 upon to perform as a member of a fire department. For the  
24 purposes of this Section, essential functions of the job are  
25 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 such 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. Such examinations shall be open, competitive, and  
5 based on industry standards designed to test each applicant's  
6 physical abilities in each of the following dimensions (or  
7 similar test designed to ensure the successful candidates are  
8 able to perform the essential functions of a firefighter's job  
9 description):

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

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

21 (3) The ability to carry out critical, time-sensitive,  
22 complex problem solving during physical exertion in  
23 stressful, hazardous environments, including hot, dark,  
24 tightly enclosed spaces, that is further aggravated by  
25 fatigue, flashing lights, sirens, and other distractions.

26 (g) Scoring of examination components. The examination

1 components shall be graded on a 100-point scale. A person's  
2 position on the master register of eligibles shall be  
3 determined by the person's score on the written examination,  
4 the person successfully passing the physical ability  
5 component, and the addition of any applicable preference  
6 points.

7 Applicants who have achieved at least the mean score of all  
8 applicants participating in the written examination at the same  
9 time, and who successfully pass the physical ability  
10 examination will be placed on the initial eligibility register.  
11 For placement on the final eligibility register, the passing  
12 score shall be determined by (i) calculating the mean score for  
13 all applicants participating in the written test; and (ii)  
14 adding 20% to the mean score. Applicants whose total scores,  
15 including any applicable preference points, are above the mean  
16 score plus 20%, shall be placed on the master register of  
17 eligibles by the State Fire Marshal.

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

24 No later than 60 days after each examination, a revised  
25 master register of eligibles shall be posted by the Fire  
26 Marshal which shall show the final grades of the candidates

1 without reference to priority of time of examination.

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

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

19 (i) Firefighter apprentice and firefighter-paramedic  
20 apprentice. The employment of an applicant to an apprentice  
21 position (including a currently employed full-time member of a  
22 fire department whose apprenticeship may be reduced or waived)  
23 shall be subject to the applicant's passing the moral character  
24 standards and health examinations of the local commission. In  
25 addition, a local commission may require as a condition of  
26 employment that the applicant demonstrate current physical

1 ability by either passing the local commission's approved  
2 physical ability examination, or by presenting proof of  
3 participating in and receiving a passing score on the physical  
4 ability component of a regional test within a period of up to  
5 12 months before the date of the conditional offer of  
6 employment. All conditional offers of employment shall be  
7 subject to the local commission's initial hire background  
8 review including criminal history, employment history, moral  
9 character, oral examination, and medical examinations all on a  
10 pass-fail basis, with the medical examinations to be conducted  
11 last.

12 (j) Selection from list. Any municipality or fire  
13 protection district that is a party to an intergovernmental  
14 agreement under the terms of which persons have been tested for  
15 placement on the master register of eligibles shall be entitled  
16 to offer employment to any person on the list irrespective of  
17 their ranking on the list. The offer of employment shall be to  
18 the position of firefighter apprentice or  
19 firefighter-paramedic apprentice. Applicants passing such  
20 tests may be employed as firefighter or firefighter-paramedic  
21 apprentices who shall serve an apprenticeship period of 12  
22 months or less according to such terms and conditions of  
23 employment as the employing municipality or district offers, or  
24 as are provided for under the terms of any collective  
25 bargaining agreement then in effect. Any probationary period  
26 set by the local commission, shall apply to all new members.

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

1 the Joint Apprenticeship Committee shall meet to consider the  
2 apprentice's progress and performance and vote to retain the  
3 apprentice as a member of the fire department or to terminate  
4 the apprenticeship. If 3 of the 4 members of the Joint  
5 Apprenticeship Committee affirmatively vote to retain the  
6 apprentice (if a 2 member Joint Apprenticeship Committee  
7 exists, then both members must affirmatively vote to retain the  
8 apprentice), the local commission shall issue the apprentice a  
9 certificate of original appointment to the fire department.

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

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

20 Section 99. Effective date. This Act takes effect upon  
21 becoming law.".