



## 97TH GENERAL ASSEMBLY

### State of Illinois

### 2011 and 2012

### HB1576

Introduced 2/15/2011, by Rep. Lisa M. Dugan

#### SYNOPSIS AS INTRODUCED:

65 ILCS 5/10-1-7	from Ch. 24, par. 10-1-7
65 ILCS 5/10-1-7.1 new	
65 ILCS 5/10-1-7.2 new	
65 ILCS 5/10-2.1-4	from Ch. 24, par. 10-2.1-4
65 ILCS 5/10-2.1-6.3 new	
65 ILCS 5/10-2.1-6.4 new	
70 ILCS 705/16.04a	from Ch. 127 1/2, par. 37.04a
70 ILCS 705/16.06b new	
70 ILCS 705/16.06c new	

Amends the Illinois Municipal Code and the Fire Protection District Act. Sets forth alternative procedures for appointments to full-time fire departments. Provides for the creation of a register of eligibles for original appointments to fire departments. Sets forth the requirements for placement on the register of eligibles. Provides that a local commission may also hire from a statewide master register of eligibles for original appointments. Sets forth the requirements for placement on the master register. Provides that no person under 21 years of age shall be eligible for employment as a firefighter. Provides for the award of preference points for eligible persons. Sets forth the procedure for awarding preference points for fire cadet, veteran, paramedic, educational, experience, and residency preferences. Denies home rule powers. Contains other provisions. Effective immediately.

LRB097 07146 RLJ 47248 b

FISCAL NOTE ACT  
MAY APPLY

HOME RULE NOTE  
ACT MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Municipal Code is amended by  
5 changing Sections 10-1-7 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  
17 (other than a municipality that has more than 1,000,000  
18 inhabitants) cannot be made more restrictive for that  
19 individual during his or her period of service for that  
20 municipality, or be made a condition of promotion, except for  
21 the rank or position of Fire or Police Chief.

22 (c) No person with a record of misdemeanor convictions  
23 except those under Sections 11-6, 11-7, 11-9, 11-14, 11-15,

1 11-17, 11-18, 11-19, 12-2, 12-6, 12-15, 14-4, 16-1, 21.1-3,  
2 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6, 31-7, 32-1, 32-2,  
3 32-3, 32-4, 32-8, and subsections (1), (6) and (8) of Section  
4 24-1 of the Criminal Code of 1961 or arrested for any cause but  
5 not convicted on that cause shall be disqualified from taking  
6 the examination on grounds of habits or moral character, unless  
7 the person is attempting to qualify for a position on the  
8 police department, in which case the conviction or arrest may  
9 be considered as a factor in determining the person's habits or  
10 moral character.

11 (d) Persons entitled to military preference under Section  
12 10-1-16 shall not be subject to limitations specifying age  
13 unless they are applicants for a position as a fireman or a  
14 policeman having no previous employment status as a fireman or  
15 policeman in the regularly constituted fire or police  
16 department of the municipality, in which case they must not  
17 have attained their 35th birthday, except any person who has  
18 served as an auxiliary police officer under Section 3.1-30-20  
19 for at least 5 years and is under 40 years of age.

20 (e) All employees of a municipality of less than 500,000  
21 population (except those who would be excluded from the  
22 classified service as provided in this Division 1) who are  
23 holding that employment as of the date a municipality adopts  
24 this Division 1, or as of July 17, 1959, whichever date is the  
25 later, and who have held that employment for at least 2 years  
26 immediately before that later date, and all firemen and

1 policemen regardless of length of service who were either  
2 appointed to their respective positions by the board of fire  
3 and police commissioners under the provisions of Division 2 of  
4 this Article or who are serving in a position (except as a  
5 temporary employee) in the fire or police department in the  
6 municipality on the date a municipality adopts this Division 1,  
7 or as of July 17, 1959, whichever date is the later, shall  
8 become members of the classified civil service of the  
9 municipality without examination.

10 (f) The examinations shall be practical in their character,  
11 and shall relate to those matters that will fairly test the  
12 relative capacity of the persons examined to discharge the  
13 duties of the positions to which they seek to be appointed. The  
14 examinations shall include tests of physical qualifications,  
15 health, and (when appropriate) manual skill. If an applicant is  
16 unable to pass the physical examination solely as the result of  
17 an injury received by the applicant as the result of the  
18 performance of an act of duty while working as a temporary  
19 employee in the position for which he or she is being examined,  
20 however, the physical examination shall be waived and the  
21 applicant shall be considered to have passed the examination.  
22 No questions in any examination shall relate to political or  
23 religious opinions or affiliations. Results of examinations  
24 and the eligible registers prepared from the results shall be  
25 published by the commission within 60 days after any  
26 examinations are held.

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

16           (h) In municipalities of 500,000 or more population, no  
17 person who has attained his or her 35th birthday shall be  
18 eligible to take an examination for a position as a fireman or  
19 a policeman unless the person has had previous employment  
20 status as a policeman or fireman in the regularly constituted  
21 police or fire department of the municipality, except as  
22 provided in this Section.

23           (i) In municipalities of more than 5,000 but not more than  
24 200,000 inhabitants, no person who has attained his or her 35th  
25 birthday shall be eligible to take an examination for a  
26 position as a fireman or a policeman unless the person has had

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

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

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

16 (l) No municipality having a population less than 1,000,000  
17 shall require that any fireman appointed to the lowest rank  
18 serve a probationary employment period of longer than one year.  
19 The limitation on periods of probationary employment provided  
20 in this amendatory Act of 1989 is an exclusive power and  
21 function of the State. Pursuant to subsection (h) of Section 6  
22 of Article VII of the Illinois Constitution, a home rule  
23 municipality having a population less than 1,000,000 must  
24 comply with this limitation on periods of probationary  
25 employment, which is a denial and limitation of home rule  
26 powers. Notwithstanding anything to the contrary in this

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

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

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

11 (65 ILCS 5/10-1-7.1 new)

12 Sec. 10-1-7.1. Original appointments; full-time fire  
13 department.

14 (a) Applicability. Unless a commission elects to follow the  
15 provisions of Section 10-1-7.2, 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 97th 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, municipal ordinances, and rules

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

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

13 A municipality that is operating under a court order or  
14 consent decree regarding original appointments to a full-time  
15 fire department before the effective date of this amendatory  
16 Act of the 97th General Assembly is exempt from the  
17 requirements of this Section for the duration of the court  
18 order or consent decree.

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

26 Whenever an appointing authority authorizes action to hire



1 a person to perform the duties of a firefighter or to hire a  
2 firefighter-paramedic to fill a position that is a new position  
3 or vacancy due to resignation, discharge, promotion, death, the  
4 granting of a disability or retirement pension, or any other  
5 cause, the appointing authority shall appoint to that position  
6 the person with the highest ranking on the final eligibility  
7 list, except that the appointing authority shall have the right  
8 to pass over that person and appoint the next highest ranked  
9 person on the list if the appointing authority has reason to  
10 conclude that the highest ranked person fails to meet the  
11 minimum standards for the position.

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

19 The sole authority to issue certificates of appointment  
20 shall be vested in the Civil Service Commission. All  
21 certificates of appointment issued to any officer or member of  
22 an affected department shall be signed by the chairperson and  
23 secretary, respectively, of the commission upon appointment of  
24 such officer or member to the affected department by the  
25 commission. Each person who accepts a certificate of  
26 appointment and successfully completes his or her probationary

1 period shall be enrolled as a firefighter and as a regular  
2 member of the fire department.

3 For the purposes of this Section, "firefighter" means any  
4 person who has been prior to, on, or after the effective date  
5 of this amendatory Act of the 97th General Assembly appointed  
6 to a fire department or fire protection district or employed by  
7 a State university and sworn or commissioned to perform  
8 firefighter duties or paramedic duties, or both, except that  
9 the following persons are not included: part-time  
10 firefighters; auxiliary, reserve, or voluntary firefighters,  
11 including paid-on-call firefighters; clerks and dispatchers or  
12 other civilian employees of a fire department or fire  
13 protection district who are not routinely expected to perform  
14 firefighter duties; and elected officials.

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

1 educational, emergency medical service licensure, and other  
2 pre-requisites for participation in an examination or for hire  
3 as a firefighter. Any fee to cover the costs of the application  
4 process shall not 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 no more than 2 positions that 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 is 35 years of age or older shall be eligible  
15 to take an examination for a position as a firefighter unless  
16 the person has had previous employment status as a firefighter  
17 in the regularly constituted fire department of the  
18 municipality, except as provided in this Section. The age  
19 limitation does not apply to:

20 (1) any person previously employed as a full-time  
21 firefighter in a regularly constituted fire department of  
22 (i) any municipality or fire protection district located in  
23 Illinois, (ii) a fire protection district whose  
24 obligations were assumed by a municipality under Section 21  
25 of the Fire Protection District Act, or (iii) a  
26 municipality whose obligations were taken over by a fire

1 protection district, or

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

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

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

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

25 In the event that any applicant who has been found eligible  
26 for appointment and whose name has been placed upon the final

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

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

26 The examination and qualifying standards for employment of

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

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

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

1 department's regular routine shall not be a controlling factor  
2 in the design of examination criteria or evolutions selected  
3 for testing. These physical examinations shall be open,  
4 competitive, and based on industry standards designed to test  
5 each applicant's physical abilities in the following  
6 dimensions (or a similar test designed to ensure that the  
7 successful candidates are able to perform the essential  
8 functions of the firefighter's job description):

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

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

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

25 Physical ability examinations administered under this  
26 Section shall be conducted with a reasonable number of proctors

1 and monitors, open to the public, and subject to reasonable  
2 regulations of the commission.

3 (g) Scoring of examination components. The examination  
4 components shall be graded on a 100-point scale. A person's  
5 position on the list shall be determined by the following: (i)  
6 the person's score on the written examination, (ii) the person  
7 successfully passing the physical ability component, (iii) the  
8 person's results on any subjective component as described in  
9 subsection (d), and (iv) the addition of any applicable  
10 preference points.

11 Applicants who pass the written examination, the physical  
12 ability examination, and any subjective component shall be  
13 placed on the initial eligibility register. The passing score  
14 for each of these test components shall be determined by  
15 calculating a mean score for all applicants participating in  
16 each test. In order to qualify for placement on the final  
17 eligibility register, an applicant's total score, before any  
18 applicable preference points are applied, shall be at or above  
19 the mean score plus 10%.

20 The commission shall prepare and keep a register of persons  
21 whose total score is not less than the minimum fixed by this  
22 Section. These persons shall take rank upon the register as  
23 candidates in the order of their relative excellence based on  
24 the highest to the lowest total points scored on the mental  
25 aptitude, physical ability, and preference components of the  
26 test administered in accordance with this Section. No more than



1 60 days after each examination, an initial eligibility list  
2 shall be posted by the commission. The list shall include the  
3 final grades of the candidates without reference to priority of  
4 the time of examination and subject to claim for preference  
5 credit.

6 Commissions may conduct additional examinations, including  
7 without limitation a polygraph test, after a final eligibility  
8 register is established and before it expires with the  
9 candidates ranked by total score without regard to date of  
10 examination. No more than 60 days after each examination, an  
11 initial eligibility list shall be posted by the commission  
12 showing the final grades of the candidates without reference to  
13 priority of time of examination and subject to claim for  
14 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 to and  
22 employment with the fire department of an affected  
23 department.

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

1 the rules of the Joint Labor and Management Committee  
2 (JLMC), as defined in Section 50 of the Fire Department  
3 Promotion Act, shall be preferred for appointment to and  
4 employment with the fire department.

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

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

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

1 fire protection district or another municipality for at  
2 least 2 years shall be awarded 5 experience preference  
3 points. These additional points presuppose a rating scale  
4 totaling 100 points available for the eligibility list. If  
5 more or fewer points are used in the rating scale for the  
6 eligibility list, the points awarded under this subsection  
7 shall be increased or decreased by a factor equal to the  
8 total possible points available for the examination  
9 divided by 100.

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

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

1 below the veteran in rank order based on the totals  
2 received if all points under this subsection were to be  
3 awarded. Any remaining ties on the list shall be determined  
4 by lot.

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

16 No person entitled to any preference shall be required to  
17 claim the credit before any examination held under the  
18 provisions of this Section, but the preference shall be given  
19 after the posting or publication of the initial eligibility  
20 list or register at the request of a person entitled to a  
21 credit before any certification or appointments are made from  
22 the eligibility register, upon the furnishing of verifiable  
23 evidence and proof of qualifying preference credit. Candidates  
24 who are eligible for preference credit shall make a claim in  
25 writing within 10 days after the posting of the initial  
26 eligibility list, or the claim shall be deemed waived. Final

1 eligibility registers shall be established after the awarding  
2 of verified preference points, and appointment from the final  
3 register shall be subject to the applicant passing the  
4 qualifying standards for moral character and health. All  
5 employment shall be subject to the commission's initial hire  
6 background review including, but not limited to, criminal  
7 history, employment history, moral character, oral  
8 examination, and medical and psychological examinations, all  
9 on a pass-fail basis. The medical and psychological  
10 examinations must be conducted last, and may only be performed  
11 after a conditional offer of employment has been extended.

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

19 The commission shall strike off the names of candidates for  
20 original appointment after the names have been on the list for  
21 more than 2 years.

22 (i) Moral character. No person shall be appointed to a fire  
23 department unless he or she is a person of good character; not  
24 a habitual drunkard, a gambler, or a person who has been  
25 convicted of a felony or a crime involving moral turpitude.  
26 However, no person shall be disqualified from appointment to

1 the fire department because of the person's record of  
2 misdemeanor convictions except those under Sections 11-6,  
3 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,  
4 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,  
5 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and subsections  
6 1, 6, and 8 of Section 24-1 of the Criminal Code of 1961 or  
7 arrest for any cause without conviction thereon. Any such  
8 person who is in the department may be removed on charges  
9 brought for violating this subsection and after a trial as  
10 hereinafter provided.

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

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

25 (j) Temporary appointments. In order to prevent a stoppage  
26 of public business, to meet extraordinary exigencies, or to

1 prevent material impairment of the fire department, the  
2 commission may make temporary appointments, to remain in force  
3 only until regular appointments are made under the provisions  
4 of this Division, but never to exceed 60 days. No temporary  
5 appointment of any one person shall be made more than twice in  
6 any calendar year.

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

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

17 (65 ILCS 5/10-1-7.2 new)

18 Sec. 10-1-7.2. Alternative procedure; original  
19 appointment; full-time firefighter.

20 (a) Authority. The Joint Labor and Management Committee  
21 (JLMC), as defined in Section 50 of the Fire Department  
22 Promotion Act, may establish a community outreach program to  
23 market the profession of firefighter and firefighter-paramedic  
24 so as to ensure the pool of applicants recruited is of broad  
25 diversity and the highest quality.

1       For the purposes of this Section, "firefighter" means any  
2 person who has been prior to, on, or after the effective date  
3 of this amendatory Act of the 97th General Assembly appointed  
4 to a fire department or fire protection district or employed by  
5 a State university and sworn or commissioned to perform  
6 firefighter duties or paramedic duties, or both, except that  
7 the following persons are not included: part-time  
8 firefighters; auxiliary, reserve, or voluntary firefighters,  
9 including paid-on-call firefighters; clerks and dispatchers or  
10 other civilian employees of a fire department or fire  
11 protection district who are not routinely expected to perform  
12 firefighter duties; and elected officials.

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

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

22           Qualified candidates shall be listed on the master  
23 register of eligibles in highest to lowest rank order based  
24 upon their test scores without regard to their date of  
25 examination. Candidates listed on the master register of  
26 eligibles shall be eligible for appointment for 3 years



1 after the date of the certification of their final score on  
2 the register without regard to the date of their  
3 examination. After 3 years, the candidate's name shall be  
4 struck from the list.

5 Any person currently employed as a full-time member of  
6 a fire department or any person who has experienced a  
7 non-voluntary (and non-disciplinary) separation from the  
8 active workforce due to a reduction in the number of  
9 departmental officers, who was appointed pursuant to this  
10 Division, Division 2.1 of Article 10 of the Illinois  
11 Municipal Code, or the Fire Protection District Act, and  
12 who during the previous 12 months participated in and  
13 received a passing score on the physical ability component  
14 of the test may request that his or her name be added to  
15 the master register. Any eligible person may be offered  
16 employment by a local commission under the same procedures  
17 as provided by this Section except that the apprenticeship  
18 period may be waived and the applicant may be immediately  
19 issued a certificate of original appointment by the local  
20 commission.

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

22 The purpose for establishing a master register of eligibles  
23 shall be to identify applicants who possess and demonstrate the  
24 mental aptitude and physical ability to perform the duties  
25 required of members of the fire department in order to provide  
26 the highest quality of service to the public. To this end, all

1 applicants for original appointment to an affected fire  
2 department through examination conducted by the Joint Labor and  
3 Management Committee (JLMC) shall be subject to examination and  
4 testing which shall be public, competitive, and open to all  
5 applicants. Any subjective component of the testing must be  
6 administered by certified assessors. All qualifying and  
7 disqualifying factors applicable to examination processes for  
8 local commissions in this amendatory Act of the 97th General  
9 Assembly shall be applicable to persons participating in Joint  
10 Labor and Management Committee examinations unless  
11 specifically provided otherwise in this Section.

12 Notice of the time, place, general scope, and fee of every  
13 JLMC examination shall be given by the JLMC or designated  
14 testing agency, as applicable, by publication at least 30 days  
15 preceding the examination, in one or more newspapers published  
16 in the region, or if no newspaper is published therein, then in  
17 one or more newspapers with a general circulation within the  
18 region. Additional notice of the examination may be given as  
19 the JLMC shall prescribe.

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

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

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

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

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

11 (1) Muscular strength to perform tasks and evolutions  
12 that may be required in the performance of duties including  
13 grip strength, leg strength, and arm strength. Tests shall  
14 be conducted under anaerobic as well as aerobic conditions  
15 to test both the candidate's speed and endurance in  
16 performing tasks and evolutions. Tasks tested are to be  
17 based on industry standards developed by the JLMC 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 and complex problem solving during physical exertion in  
23 stressful and hazardous environments. The testing  
24 environment may be hot and dark with tightly enclosed  
25 spaces, 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 shall be placed on the initial eligibility  
11 register. For placement on the final eligibility register, the  
12 passing score shall be determined by (i) calculating the mean  
13 score for all applicants participating in the written test; and  
14 (ii) adding 20% to the mean score. Applicants whose total  
15 scores, including any applicable preference points, are above  
16 the mean score plus 20%, shall be placed on the master register  
17 of eligibles by the JLMC.

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 JLMC, or  
23 approved testing agency.

24 No more than 60 days after each examination, a revised  
25 master register of eligibles shall be posted by the JLMC  
26 showing the final grades of the candidates without reference to

1 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 the credit before any examination held under  
9 the provisions of this Section. The preference shall be given  
10 after the posting or publication of the applicant's initial  
11 score at the request of the person before finalizing the scores  
12 from all applicants taking part in a JLMC examination.  
13 Candidates who are eligible for preference credit shall make a  
14 claim in writing within 10 days after the posting of the  
15 initial scores from any JLMC test or the claim shall be deemed  
16 waived. Once preference points are awarded, the candidates  
17 shall be certified to the master register in accordance with  
18 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 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 JLMC test within a period of up to 12  
5 months before the date of the conditional offer of employment.  
6 Applicants shall be subject to the local commission's initial  
7 hire background review including criminal history, employment  
8 history, moral character, oral examination, and medical  
9 examinations which may include polygraph, psychological, and  
10 drug screening components, all on a pass-fail basis. The  
11 medical examinations must be conducted last, and may only be  
12 performed after a conditional offer of employment has been  
13 extended.

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

22 Applicants passing these tests may be employed as a  
23 firefighter apprentice or a firefighter-paramedic apprentice  
24 who shall serve an apprenticeship period of 12 months or less  
25 according to the terms and conditions of employment as the  
26 employing municipality or district offers, or as provided for

1 under the terms of any collective bargaining agreement then in  
2 effect. The apprenticeship period is separate from the  
3 probationary period.

4 Service during the apprenticeship period shall be on a  
5 probationary basis. During the apprenticeship period, the  
6 apprentice's training and performance shall be monitored and  
7 evaluated by a Joint Apprenticeship Committee.

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



1 exclusive bargaining representative, the chief shall appoint  
2 the second member of the Joint Apprenticeship Committee from  
3 among qualified members in the ranks of company officer and  
4 below. Before the conclusion of the apprenticeship period, the  
5 Joint Apprenticeship Committee shall meet to consider the  
6 apprentice's progress and performance and vote to retain the  
7 apprentice as a member of the fire department or to terminate  
8 the apprenticeship. If 3 of the 4 members of the Joint  
9 Apprenticeship Committee affirmatively vote to retain the  
10 apprentice (if a 2 member Joint Apprenticeship Committee  
11 exists, then both members must affirmatively vote to retain the  
12 apprentice), the local commission shall issue the apprentice a  
13 certificate of original appointment to the fire department.

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

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

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

25 Sec. 10-2.1-4. Fire and police departments; Appointment of

1 members; Certificates of appointments.

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

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

22 If a member of the department is appointed chief of police  
23 or chief of the fire department prior to being eligible to  
24 retire on pension, he shall be considered as on furlough from  
25 the rank he held immediately prior to his appointment as chief.  
26 If he resigns as chief or is discharged as chief prior to

1 attaining eligibility to retire on pension, he shall revert to  
2 and be established in whatever rank he currently holds, except  
3 for previously appointed positions, and thereafter be entitled  
4 to all the benefits and emoluments of that rank, without regard  
5 as to whether a vacancy then exists in that rank.

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

20 The sole authority to issue certificates of appointment  
21 shall be vested in the Board of Fire and Police Commissioners  
22 and all certificates of appointments issued to any officer or  
23 member of the fire or police department of a municipality shall  
24 be signed by the chairman and secretary respectively of the  
25 board of fire and police commissioners of such municipality,  
26 upon appointment of such officer or member of the fire and

1 police department of such municipality by action of the board  
2 of fire and police commissioners. In any municipal fire  
3 department that employs full-time firefighters and is subject  
4 to a collective bargaining agreement, a person who has not  
5 qualified for regular appointment under the provisions of this  
6 Division 2.1 shall not be used as a temporary or permanent  
7 substitute for classified members of a municipality's fire  
8 department or for regular appointment as a classified member of  
9 a municipality's fire department unless mutually agreed to by  
10 the employee's certified bargaining agent. Such agreement  
11 shall be considered a permissive subject of bargaining.  
12 Municipal fire departments covered by the changes made by this  
13 amendatory Act of the 95th General Assembly that are using  
14 non-certificated employees as substitutes immediately prior to  
15 the effective date of this amendatory Act of the 95th General  
16 Assembly may, by mutual agreement with the certified bargaining  
17 agent, continue the existing practice or a modified practice  
18 and that agreement shall be considered a permissive subject of  
19 bargaining. A home rule unit may not regulate the hiring of  
20 temporary or substitute members of the municipality's fire  
21 department in a manner that is inconsistent with this Section.  
22 This Section is a limitation under subsection (i) of Section 6  
23 of Article VII of the Illinois Constitution on the concurrent  
24 exercise by home rule units of powers and functions exercised  
25 by the State.

26 The term "policemen" as used in this Division does not

1 include auxiliary police officers except as provided for in  
2 Section 10-2.1-6.

3 Any full time member of a regular fire or police department  
4 of any municipality which comes under the provisions of this  
5 Division or adopts this Division 2.1 or which has adopted any  
6 of the prior Acts pertaining to fire and police commissioners,  
7 is a city officer.

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

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

23           No municipality having a population less than 1,000,000  
24 shall require that any firefighter 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 To the extent that this Section or any other Section in  
15 this Division conflicts with Section 10-2.1-6.3 or 10-2.1-6.4,  
16 then Section 10-2.1-6.3 or 10-2.1-6.4 shall control.

17 (Source: P.A. 94-135, eff. 7-7-05; 94-984, eff. 6-30-06;  
18 95-490, eff. 6-1-08.)

19 (65 ILCS 5/10-2.1-6.3 new)

20 Sec. 10-2.1-6.3. Original appointments; full-time fire  
21 department.

22 (a) Applicability. Unless a commission elects to follow the  
23 provisions of Section 10-2.1-6.4, this Section shall apply to  
24 all original appointments to an affected full-time fire  
25 department. Existing registers of eligibles shall continue to

1 be valid until their expiration dates, or up to a maximum of 2  
2 years after the effective date of this amendatory Act of the  
3 97th General Assembly.

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

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

21 A municipality that is operating under a court order or  
22 consent decree regarding original appointments to a full-time  
23 fire department before the effective date of this amendatory  
24 Act of the 97th General Assembly is exempt from the  
25 requirements of this Section for the duration of the court  
26 order or consent decree.



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

8       Whenever an appointing authority authorizes action to hire  
9 a person to perform the duties of a firefighter or to hire a  
10 firefighter-paramedic to fill a position that is a new position  
11 or vacancy due to resignation, discharge, promotion, death, the  
12 granting of a disability or retirement pension, or any other  
13 cause, the appointing authority shall appoint to that position  
14 the person with the highest ranking on the final eligibility  
15 list, except that the appointing authority shall have the right  
16 to pass over that person and appoint the next highest ranked  
17 person on the list if the appointing authority has reason to  
18 conclude that the highest ranked person fails to meet the  
19 minimum standards for the position.

20       Any candidate may pass on an appointment once without  
21 losing his or her position on the register of eligibles. Any  
22 candidate who passes a second time shall be removed from the  
23 list provided that such action shall not prejudice a person's  
24 opportunities to participate in future examinations, including  
25 an examination held during the time a candidate is already on  
26 the municipality's register of eligibles.

1       The sole authority to issue certificates of appointment  
2       shall be vested in the board of fire and police commissioners.  
3       All certificates of appointment issued to any officer or member  
4       of an affected department shall be signed by the chairperson  
5       and secretary, respectively, of the board upon appointment of  
6       such officer or member to the affected department by action of  
7       the board. Each person who accepts a certificate of appointment  
8       and successfully completes his or her probationary period shall  
9       be enrolled as a firefighter and as a regular member of the  
10       fire department.

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

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

1 members of the fire department in order to provide the highest  
2 quality of service to the public. To this end, all applicants  
3 for original appointment to an affected fire department shall  
4 be subject to examination and testing which shall be public,  
5 competitive, and open to all applicants unless the municipality  
6 shall by ordinance limit applicants to residents of the  
7 municipality, county or counties in which the municipality is  
8 located, State, or nation. Municipalities may establish  
9 educational, emergency medical service licensure, and other  
10 pre-requisites for participation in an examination or for hire  
11 as a firefighter. Any fee to cover the costs of the application  
12 process shall not exceed \$25.

13 Residency requirements in effect at the time an individual  
14 enters the fire service of a municipality (other than a  
15 municipality that has more than 1,000,000 inhabitants) cannot  
16 be made more restrictive for that individual during his or her  
17 period of service for that municipality, or be made a condition  
18 of promotion, except for the rank or position of fire chief and  
19 for no more than 2 positions that rank immediately below that  
20 of the chief rank which are appointed positions pursuant to the  
21 Fire Department Promotion Act.

22 No person who is 35 years of age or older shall be eligible  
23 to take an examination for a position as a firefighter unless  
24 the person has had previous employment status as a firefighter  
25 in the regularly constituted fire department of the  
26 municipality, except as provided in this Section. The age

1 limitation does not apply to:

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

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

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

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

21 No municipality having a population of less than 1,000,000  
22 shall require that any firefighter appointed to the lowest rank  
23 serve a probationary employment period of longer than one year  
24 of actual active employment, which may exclude periods of  
25 training, or injury or illness leaves, including duty related  
26 leave, in excess of 30 calendar days. Notwithstanding anything

1 to the contrary in this Section, the probationary employment  
2 period limitation may be extended for a firefighter who is  
3 required, as a condition of employment, to be a certified  
4 paramedic, during which time the sole reason that a firefighter  
5 may be discharged without a hearing is for failing to meet the  
6 requirements for paramedic certification.

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

25 (d) Notice, examination, and testing components. Notice of  
26 the time, place, general scope, merit criteria for any

1 subjective component, and fee of every examination shall be  
2 given by the commission, by a publication at least 2 weeks  
3 preceding the examination, in one or more newspapers published  
4 in the municipality, or if no newspaper is published therein,  
5 then in one or more newspapers with a general circulation  
6 within the municipality. Additional notice of the examination  
7 may be given as the commission shall prescribe.

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

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

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

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

25       (2) The ability to climb ladders, operate from heights,  
26 walk or crawl in the dark along narrow and uneven surfaces,

1 and operate in proximity to hazardous environments.

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

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

11 (g) Scoring of examination components. The examination  
12 components shall be graded on a 100-point scale. A person's  
13 position on the list shall be determined by the following: (i)  
14 the person's score on the written examination, (ii) the person  
15 successfully passing the physical ability component, (iii) the  
16 person's results on any subjective component as described in  
17 subsection (d), and (iv) the addition of any applicable  
18 preference points.

19 Applicants who pass the written examination, the physical  
20 ability examination, and any subjective component shall be  
21 placed on the initial eligibility register. The passing score  
22 for each of these test components shall be determined by  
23 calculating a mean score for all applicants participating in  
24 each test. In order to qualify for placement on the final  
25 eligibility register, an applicant's total score, before any  
26 applicable preference points are applied, shall be at or above



1 the mean score plus 10%.

2 The commission shall prepare and keep a register of persons  
3 whose total score is not less than the minimum fixed by this  
4 Section. 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, physical ability, and preference components of the  
8 test administered in accordance with this Section. No more than  
9 60 days after each examination, an initial eligibility list  
10 shall be posted by the commission. The list shall include the  
11 final grades of the candidates without reference to priority of  
12 the time of examination and subject to claim for preference  
13 credit.

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

23 (h) Preferences. The following are preferences:

24 (1) Veteran preference. Persons who were engaged in the  
25 military service of the United States for a period of at  
26 least one year of active duty and who were honorably

1 discharged therefrom, or who are now or have been members  
2 on inactive or reserve duty in such military or naval  
3 service, shall be preferred for appointment to and  
4 employment with the fire department of an affected  
5 department.

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

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

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

24 (5) Experience preference. All persons employed by a  
25 municipality who have been paid-on-call or part-time  
26 certified Firefighter II, State of Illinois or nationally

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

18 (6) Residency preference. Applicants whose principal  
19 residence is located within the fire department's  
20 jurisdiction shall be preferred for appointment to and  
21 employment with the fire department.

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

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

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

24 No person entitled to any preference shall be required to  
25 claim the credit before any examination held under the  
26 provisions of this Section, but the preference shall be given

1 after the posting or publication of the initial eligibility  
2 list or register at the request of a person entitled to a  
3 credit before any certification or appointments are made from  
4 the eligibility register, upon the furnishing of verifiable  
5 evidence and proof of qualifying preference credit. Candidates  
6 who are eligible for preference credit shall make a claim in  
7 writing within 10 days after the posting of the initial  
8 eligibility list, or the claim shall be deemed waived. Final  
9 eligibility registers shall be established after the awarding  
10 of verified preference points, and appointment from the final  
11 register shall be subject to the applicant passing the  
12 qualifying standards for moral character and health. All  
13 employment shall be subject to the commission's initial hire  
14 background review including, but not limited to, criminal  
15 history, employment history, moral character, oral  
16 examination, and medical and psychological examinations, all  
17 on a pass-fail basis. The medical and psychological  
18 examinations must be conducted last, and may only be performed  
19 after a conditional offer of employment has been extended.

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

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

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

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

24       Whenever a commission is authorized or required by law to  
25 consider some aspect of criminal history record information for  
26 the purpose of carrying out its statutory powers and

1 responsibilities, then, upon request and payment of fees in  
2 conformance with the requirements of Section 2605-400 of the  
3 State Police Law of the Civil Administrative Code of Illinois,  
4 the Department of State Police is authorized to furnish,  
5 pursuant to positive identification, the information contained  
6 in State files as is necessary to fulfill the request.

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

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

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

1       Sec. 10-2.1-6.4. Alternative procedure; original  
2 appointment; full-time firefighter.

3       (a) Authority. The Joint Labor and Management Committee  
4 (JLMC), as defined in Section 50 of the Fire Department  
5 Promotion Act, may establish a community outreach program to  
6 market the profession of firefighter and firefighter-paramedic  
7 so as to ensure the pool of applicants recruited is of broad  
8 diversity and the highest quality.

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

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

23       Persons who have participated in and received a passing  
24 total score on the mental aptitude, physical ability, and  
25 preference components of a regionally administered test  
26 based on the standards described in this Section. The



1 standards for administering these tests and the minimum  
2 passing score required for placement on this list shall be  
3 as is set forth in this Section.

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

13 Any person currently employed as a full-time member of  
14 a fire department or any person who has experienced a  
15 non-voluntary (and non-disciplinary) separation from the  
16 active workforce due to a reduction in the number of  
17 departmental officers, who was appointed pursuant to  
18 Division 1 of Article 10 of the Illinois Municipal Code,  
19 Division 2.1 of Article 10 of the Illinois Municipal Code,  
20 or the Fire Protection District Act, and who during the  
21 previous 12 months participated in and received a passing  
22 score on the physical ability component of the test may  
23 request that his or her name be added to the master  
24 register. Any eligible person may be offered employment by  
25 a local commission under the same procedures as provided by  
26 this Section except that the apprenticeship period may be

1 waived and the applicant may be immediately issued a  
2 certificate of original appointment by the local  
3 commission.

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

5 The purpose for establishing a master register of eligibles  
6 shall be to identify applicants who possess and demonstrate the  
7 mental aptitude and physical ability to perform the duties  
8 required of members of the fire department in order to provide  
9 the highest quality of service to the public. To this end, all  
10 applicants for original appointment to an affected fire  
11 department through examination conducted by the Joint Labor and  
12 Management Committee (JLMC) shall be subject to examination and  
13 testing which shall be public, competitive, and open to all  
14 applicants. Any subjective component of the testing must be  
15 administered by certified assessors. All qualifying and  
16 disqualifying factors applicable to examination processes for  
17 local commissions in this amendatory Act of the 97th General  
18 Assembly shall be applicable to persons participating in Joint  
19 Labor and Management Committee examinations unless  
20 specifically provided otherwise in this Section.

21 Notice of the time, place, general scope, and fee of every  
22 JLMC examination shall be given by the JLMC or designated  
23 testing agency, as applicable, by a publication at least 30  
24 days preceding the examination, in one or more newspapers  
25 published in the region, or if no newspaper is published  
26 therein, then in one or more newspapers with a general

1 circulation within the region. Additional notice of the  
2 examination may be given as the JLMC shall prescribe.

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

14 (e) Mental aptitude. Examination of an applicant's mental  
15 aptitude shall be based upon written examination and an  
16 applicant's prior experience demonstrating an aptitude for and  
17 commitment to service as a member of a fire department. Written  
18 examinations shall be practical in character and relate to  
19 those matters that fairly test the capacity of the persons  
20 examined to discharge the duties performed by members of a fire  
21 department. Written examinations shall be administered in a  
22 manner that ensures the security and accuracy of the scores  
23 achieved. Any subjective component of the testing must be  
24 administered by certified assessors. No person who does not  
25 possess a high school diploma or an equivalent high school  
26 education shall be placed on a register of eligibles. Local

1 commissions may establish educational, emergency medical  
2 service licensure, and other pre-requisites for hire within  
3 their jurisdiction.

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

20 (1) Muscular strength to perform tasks and evolutions  
21 that may be required in the performance of duties including  
22 grip strength, leg strength, and arm strength. Tests shall  
23 be conducted under anaerobic as well as aerobic conditions  
24 to test both the candidate's speed and endurance in  
25 performing tasks and evolutions. Tasks tested are to be  
26 based on industry standards developed by the JLMC by rule.

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

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

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 master register of eligibles shall be  
12          determined by the person's score on the written examination,  
13          the person successfully passing the physical ability  
14          component, and the addition of any applicable preference  
15          points.

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

1       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 and physical ability components, plus any applicable  
5 preference points requested and verified by the JLMC, or  
6 approved testing agency.

7       No more than 60 days after each examination, a revised  
8 master register of eligibles shall be posted by the JLMC  
9 showing the final grades of the candidates without reference to  
10 priority of time of examination.

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

16       No person entitled to preference or credit shall be  
17 required to claim the credit before any examination held under  
18 the provisions of this Section. The preference shall be given  
19 after the posting or publication of the applicant's initial  
20 score at the request of the person before finalizing the scores  
21 from all applicants taking part in a JLMC examination.  
22 Candidates who are eligible for preference credit shall make a  
23 claim in writing within 10 days after the posting of the  
24 initial scores from any JLMC test or the claim shall be deemed  
25 waived. Once preference points are awarded, the candidates  
26 shall be certified to the master register in accordance with

1 their final score including preference points.

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

23 (j) Selection from list. Any municipality or fire  
24 protection district that is a party to an intergovernmental  
25 agreement under the terms of which persons have been tested for  
26 placement on the master register of eligibles shall be entitled

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

5 Applicants passing these tests may be employed as a  
6 firefighter apprentice or a firefighter-paramedic apprentice  
7 who shall serve an apprenticeship period of 12 months or less  
8 according to the terms and conditions of employment as the  
9 employing municipality or district offers, or as provided for  
10 under the terms of any collective bargaining agreement then in  
11 effect. The apprenticeship period is separate from the  
12 probationary period.

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

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



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

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 Section 10. The Fire Protection District Act is amended by  
8 changing Section 16.04a and by adding Sections 16.06b and  
9 16.06c as follows:

10 (70 ILCS 705/16.04a) (from Ch. 127 1/2, par. 37.04a)

11 Sec. 16.04a. The board of fire commissioners shall appoint  
12 all officers and members of the fire departments of the  
13 district, except the Chief of the fire department. The board of  
14 trustees shall appoint the Chief of the fire department, who  
15 shall serve at the pleasure of the board, and may enter into a  
16 multi-year contract not exceeding 3 years with the Chief.

17 If a member of the department is appointed Chief of the  
18 fire department prior to being eligible to retire on pension he  
19 shall be considered as on furlough from the rank he held  
20 immediately prior to his appointment as Chief. If he resigns as  
21 Chief or is discharged as Chief prior to attaining eligibility  
22 to retire on pension, he shall revert to and be established in  
23 such prior rank, and thereafter be entitled to all the benefits  
24 and emoluments of such prior rank, without regard as to whether

1 a vacancy then exists in such rank. In such instances, the  
2 Chief shall be deemed to have continued to accrue seniority in  
3 the department during his period of service as Chief, or time  
4 in grade in his former rank to which he shall revert during his  
5 period of service as Chief, except solely for purposes of any  
6 layoff as provided in Section 16.13b hereafter.

7 All appointments to each department other than that of the  
8 lowest rank, however, shall be from the rank next below that to  
9 which the appointment is made, except that the Chief of the  
10 fire department may be appointed from among members of the fire  
11 department, regardless of rank.

12 The sole authority to issue certificates of appointment  
13 shall be vested in the board of fire commissioners and all  
14 certificates of appointments issued to any officer or member of  
15 the fire department shall be signed by the chairman and  
16 secretary respectively of the board of fire commissioners upon  
17 appointment of such officer or member of the fire department by  
18 action of the board of fire commissioners.

19 To the extent that this Section or any other Section in  
20 this Act conflicts with Section 16.06b or 16.06c, then Section  
21 16.06b or 16.06c shall control.

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

23 (70 ILCS 705/16.06b new)

24 Sec. 16.06b. Original appointments; full-time fire  
25 department.

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

8       Notwithstanding any statute, ordinance, rule, or other law  
9 to the contrary, all original appointments to an affected  
10 department to which this Section applies shall be administered  
11 in the manner provided for in this Section. Provisions of the  
12 Illinois Municipal Code, Fire Protection District Act, fire  
13 district ordinances, and rules adopted pursuant to such  
14 authority and other laws relating to initial hiring of  
15 firefighters in affected departments shall continue to apply to  
16 the extent they are compatible with this Section, but in the  
17 event of a conflict between this Section and any other law,  
18 this Section shall control.

19       A fire protection district that is operating under a court  
20 order or consent decree regarding original appointments to a  
21 full-time fire department before the effective date of this  
22 amendatory Act of the 97th General Assembly is exempt from the  
23 requirements of this Section for the duration of the court  
24 order or consent decree.

25       (b) Original appointments. All original appointments made  
26 to an affected fire department shall be made from a register of

1 eligibles established in accordance with the processes  
2 required by this Section. Only persons who meet or exceed the  
3 performance standards required by the Section shall be placed  
4 on a register of eligibles for original appointment to an  
5 affected fire department.

6 Whenever an appointing authority authorizes action to hire  
7 a person to perform the duties of a firefighter or to hire a  
8 firefighter-paramedic to fill a position that is a new position  
9 or vacancy due to resignation, discharge, promotion, death, the  
10 granting of a disability or retirement pension, or any other  
11 cause, the appointing authority shall appoint to that position  
12 the person with the highest ranking on the final eligibility  
13 list, except that the appointing authority shall have the right  
14 to pass over that person and appoint the next highest ranked  
15 person on the list if the appointing authority has reason to  
16 conclude that the highest ranked person fails to meet the  
17 minimum standards for the position.

18 Any candidate may pass on an appointment once without  
19 losing his or her position on the register of eligibles. Any  
20 candidate who passes a second time shall be removed from the  
21 list provided that such action shall not prejudice a person's  
22 opportunities to participate in future examinations, including  
23 an examination held during the time a candidate is already on  
24 the fire district's register of eligibles.

25 The sole authority to issue certificates of appointment  
26 shall be vested in the board of fire commissioners, or board of

1 trustees serving in the capacity of a board of fire  
2 commissioners. All certificates of appointment issued to any  
3 officer or member of an affected department shall be signed by  
4 the chairperson and secretary, respectively, of the commission  
5 upon appointment of such officer or member to the affected  
6 department by action of the commission. Each person who accepts  
7 a certificate of appointment and successfully completes his or  
8 her probationary period shall be enrolled as a firefighter and  
9 as a regular member of the fire department.

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

22 (c) Qualification for placement on register of eligibles.  
23 The purpose of establishing a register of eligibles is to  
24 identify applicants who possess and demonstrate the mental  
25 aptitude and physical ability to perform the duties required of  
26 members of the fire department in order to provide the highest

1 quality of service to the public. To this end, all applicants  
2 for original appointment to an affected fire department shall  
3 be subject to examination and testing which shall be public,  
4 competitive, and open to all applicants unless the district  
5 shall by ordinance limit applicants to residents of the  
6 district, county or counties in which the district is located,  
7 State, or nation. Districts may establish educational,  
8 emergency medical service licensure, and other pre-requisites  
9 for participation in an examination or for hire as a  
10 firefighter. Any fee to cover the costs of the application  
11 process shall not exceed \$25.

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

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

26 (1) any person previously employed as a full-time

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

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

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

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

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



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

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

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

1 in the district, or if no newspaper is published therein, then  
2 in one or more newspapers with a general circulation within the  
3 district. Additional notice of the examination may be given as  
4 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 shall  
9 determine an applicant's qualification for and placement on the  
10 final register of eligibles. The examination may also include a  
11 subjective component based on merit criteria as determined by  
12 the commission. Scores from the examination must be made  
13 available to the public.

14 (e) Mental aptitude. No person who does not possess at  
15 least a high school diploma or an equivalent high school  
16 education shall be placed on a register of eligibles.  
17 Examination of an applicant's mental aptitude shall be based  
18 upon a written examination. The examination shall be practical  
19 in character and relate to those matters that fairly test the  
20 capacity of the persons examined to discharge the duties  
21 performed by members of a fire department. Written examinations  
22 shall be administered in a manner that ensures the security and  
23 accuracy 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 those 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. These physical examinations shall be open,  
9 competitive, and based on industry standards designed to test  
10 each applicant's physical abilities in the following  
11 dimensions (or a similar test designed to ensure that the  
12 successful candidates are able to perform the essential  
13 functions of the firefighter's job description):

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 and complex problem solving during physical exertion in

1 stressful and hazardous environments. The testing  
2 environment may be hot and dark with tightly enclosed  
3 spaces, 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, open to the public, and subject to reasonable  
7 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, (iii) the  
13 person's results on any subjective component as described in  
14 subsection (d), and (iv) the addition of any applicable  
15 preference points.

16 Applicants who pass the written examination, the physical  
17 ability examination, and any subjective component shall be  
18 placed on the initial eligibility register. The passing score  
19 for each of these test components shall be determined by  
20 calculating a mean score for all applicants participating in  
21 each test. In order to qualify for placement on the final  
22 eligibility register, an applicant's total score, before any  
23 applicable preference points are applied, shall be at or above  
24 the mean score plus 10%.

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. No more than  
6 60 days after each examination, an initial eligibility list  
7 shall be posted by the commission. The list shall include the  
8 final grades of the candidates without reference to priority of  
9 the time of examination and subject to claim for preference  
10 credit.

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

20 (h) Preferences. The following are preferences:

21 (1) Veteran preference. Persons who were engaged in the  
22 military service of the United States for a period of at  
23 least one year of active duty and who were honorably  
24 discharged therefrom, or who are now or have been members  
25 on inactive or reserve duty in such military or naval  
26 service, shall be preferred for appointment to and

1 employment with the fire department of an affected  
2 department.

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

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

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

21 (5) Experience preference. All persons employed by a  
22 district who have been paid-on-call or part-time certified  
23 Firefighter II, State of Illinois or nationally licensed  
24 EMT-B or EMT-I, or any combination of those capacities  
25 shall be awarded 0.5 point for each year of successful  
26 service in one or more of those capacities, up to a maximum

1 of 5 points. Certified Firefighter III and State of  
2 Illinois or nationally licensed paramedics shall be  
3 awarded one point per year up to a maximum of 5 points.  
4 Applicants from outside the district who were employed as  
5 full-time firefighters or firefighter-paramedics by a fire  
6 protection district or municipality for at least 2 years  
7 shall be awarded 5 experience preference points. These  
8 additional points presuppose a rating scale totaling 100  
9 points available for the eligibility list. If more or fewer  
10 points are used in the rating scale for the eligibility  
11 list, the points awarded under this subsection shall be  
12 increased or decreased by a factor equal to the total  
13 possible points available for the examination divided by  
14 100.

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

19 Upon request by the commission, the governing body of  
20 the district or in the case of applicants from outside the  
21 district the governing body of any other fire protection  
22 district or any 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 (7) Scoring of preferences. Preference points shall be  
11 awarded in the order listed in items (1) through (6). The  
12 commission shall give preference for original appointment  
13 to persons designated in items (1) through (4) and item (6)  
14 by adding to the final grade which they receive 5 points  
15 for each recognized preference achieved. An experience  
16 preference of up to 5 points shall then be added in  
17 accordance with item (5). The numerical result thus  
18 attained shall be applied by the commission in determining  
19 the final eligibility list and appointment from the  
20 eligibility list.

21 No person entitled to any preference shall be required to  
22 claim the credit before any examination held under the  
23 provisions of this Section, but the preference shall be given  
24 after the posting or publication of the initial eligibility  
25 list or register at the request of a person entitled to a  
26 credit before any certification or appointments are made from



1 the eligibility register, upon the furnishing of verifiable  
2 evidence and proof of qualifying preference credit. Candidates  
3 who are eligible for preference credit shall make a claim in  
4 writing within 10 days after the posting of the initial  
5 eligibility list, or the claim shall be deemed waived. Final  
6 eligibility registers shall be established after the awarding  
7 of verified preference points, and appointment from the final  
8 register shall be subject to the applicant passing the  
9 qualifying standards for moral character and health. All  
10 employment shall be subject to the commission's initial hire  
11 background review including, but not limited to, criminal  
12 history, employment history, moral character, oral  
13 examination, and medical and psychological examinations, all  
14 on a pass-fail basis. The medical and psychological  
15 examinations must be conducted last, and may only be performed  
16 after a conditional offer of employment has been extended.

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

24 The commission shall strike off the names of candidates for  
25 original appointment after the names have been on the list for  
26 more than 2 years.

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

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

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

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

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

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

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

22 (70 ILCS 705/16.06c new)

23 Sec. 16.06c. Alternative procedure; original appointment;  
24 full-time firefighter.

25 (a) Authority. The Joint Labor and Management Committee

1 (JLMC), as defined in Section 50 of the Fire Department  
2 Promotion Act, may establish a community outreach program to  
3 market the profession of firefighter and firefighter-paramedic  
4 so as to ensure the pool of applicants recruited is of broad  
5 diversity and the highest quality.

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

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 passing  
21 total 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 these tests and the minimum  
25 passing score required for placement on this list shall be  
26 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           after the date of the certification of their final score on  
7           the register without regard to the date of their  
8           examination. 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 or any person who has experienced a  
12           non-voluntary (and non-disciplinary) separation from the  
13           active workforce due to a reduction in the number of  
14           departmental officers, who was appointed pursuant to  
15           Division 1 of Article 10 of the Illinois Municipal Code,  
16           Division 2.1 of Article 10 of the Illinois Municipal Code,  
17           or the Fire Protection District Act, and who during the  
18           previous 12 months participated in and received a passing  
19           score on the physical ability component of the test may  
20           request that his or her name be added to the master  
21           register. Any eligible person may be offered employment by  
22           a local commission under the same procedures as provided by  
23           this Section except that the apprenticeship period may be  
24           waived and the applicant may be immediately issued a  
25           certificate of original appointment by the local  
26           commission.

1       (c) Qualifications for placement on register of eligibles.  
2       The purpose for establishing a master register of eligibles  
3       shall be to identify applicants who possess and demonstrate the  
4       mental aptitude and physical ability to perform the duties  
5       required of members of the fire department in order to provide  
6       the highest quality of service to the public. To this end, all  
7       applicants for original appointment to an affected fire  
8       department through examination conducted by the Joint Labor and  
9       Management Committee (JLMC) shall be subject to examination and  
10       testing which shall be public, competitive, and open to all  
11       applicants. Any subjective component of the testing must be  
12       administered by certified assessors. All qualifying and  
13       disqualifying factors applicable to examination processes for  
14       local commissions in this amendatory Act of the 97th General  
15       Assembly shall be applicable to persons participating in Joint  
16       Labor and Management Committee examinations unless  
17       specifically provided otherwise in this Section.

18       Notice of the time, place, general scope, and fee of every  
19       JLMC examination shall be given by the JLMC or designated  
20       testing agency, as applicable, by a publication at least 30  
21       days preceding the examination, in one or more newspapers  
22       published in the region, or if no newspaper is published  
23       therein, then in one or more newspapers with a general  
24       circulation within the region. Additional notice of the  
25       examination may be given as the JLMC shall prescribe.

26       (d) Examination and testing components for placement on

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

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

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

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

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



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

6           (g) Scoring of examination components. The examination  
7           components shall be graded on a 100-point scale. A person's  
8           position on the master register of eligibles shall be  
9           determined by the person's score on the written examination,  
10           the person successfully passing the physical ability  
11           component, and the addition of any applicable preference  
12           points.

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

24           These persons shall take rank upon the register as  
25           candidates in the order of their relative excellence based on  
26           the highest to the lowest total points scored on the mental

1 aptitude and physical ability components, plus any applicable  
2 preference points requested and verified by the JLMC, or  
3 approved testing agency.

4 No more than 60 days after each examination, a revised  
5 master register of eligibles shall be posted by the JLMC  
6 showing the final grades of the candidates without reference to  
7 priority of time of examination.

8 (h) Preferences. The board shall give military, education,  
9 and experience preference points to those who qualify for  
10 placement on the master register of eligibles, on the same  
11 basis as provided for examinations administered by a local  
12 commission.

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

25 (i) Firefighter apprentice and firefighter-paramedic  
26 apprentice. The employment of an applicant to an apprentice

1 position (including a currently employed full-time member of a  
2 fire department whose apprenticeship may be reduced or waived)  
3 shall be subject to the applicant passing the moral character  
4 standards and health examinations of the local commission. In  
5 addition, a local commission may require as a condition of  
6 employment that the applicant demonstrate current physical  
7 ability by either passing the local commission's approved  
8 physical ability examination, or by presenting proof of  
9 participating in and receiving a passing score on the physical  
10 ability component of a JLMC test within a period of up to 12  
11 months before the date of the conditional offer of employment.  
12 Applicants shall be subject to the local commission's initial  
13 hire background review including criminal history, employment  
14 history, moral character, oral examination, and medical  
15 examinations which may include polygraph, psychological, and  
16 drug screening components, all on a pass-fail basis. The  
17 medical examinations must be conducted last, and may only be  
18 performed after a conditional offer of employment has been  
19 extended.

20 (j) Selection from list. Any municipality or fire  
21 protection district that is a party to an intergovernmental  
22 agreement under the terms of which persons have been tested for  
23 placement on the master register of eligibles shall be entitled  
24 to offer employment to any person on the list irrespective of  
25 their ranking on the list. The offer of employment shall be to  
26 the position of firefighter apprentice or

1 firefighter-paramedic apprentice.

2 Applicants passing these tests may be employed as a  
3 firefighter apprentice or a firefighter-paramedic apprentice  
4 who shall serve an apprenticeship period of 12 months or less  
5 according to the terms and conditions of employment as the  
6 employing municipality or district offers, or as provided for  
7 under the terms of any collective bargaining agreement then in  
8 effect. The apprenticeship period is separate from the  
9 probationary period.

10 Service during the apprenticeship period shall be on a  
11 probationary basis. During the apprenticeship period, the  
12 apprentice's training and performance shall be monitored and  
13 evaluated by a Joint Apprenticeship Committee.

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

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

20 (k) A person who knowingly divulges or receives test  
21 questions or answers before a written examination, or otherwise  
22 knowingly violates or subverts any requirement of this Section,  
23 commits a violation of this Section and may be subject to  
24 charges for official misconduct.

25 A person who is the knowing recipient of test information  
26 in advance of the examination shall be disqualified from the

1 examination or discharged from the position to which he or she  
2 was appointed, as applicable, and otherwise subjected to  
3 disciplinary actions.

4 Section 99. Effective date. This Act takes effect upon  
5 becoming law.