

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 may be removed from the list
15 by the appointing authority provided that such action shall not
16 prejudice a person's opportunities to participate in future
17 examinations, including an examination held during the time a
18 candidate is already on the municipality's register of
19 eligibles.

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

1 appointment and successfully completes his or her probationary
2 period shall be enrolled as a firefighter and as a regular
3 member of the fire department.

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

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

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

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

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

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

1 municipality whose obligations were taken over by a fire
2 protection district, or

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

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

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

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

26 In the event that any applicant who has been found eligible

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

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

1 notice of the examination may be given as the commission shall
2 prescribe.

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

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

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

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

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

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

23 (3) The ability to carry out critical, time-sensitive,
24 and complex problem solving during physical exertion in
25 stressful and hazardous environments. The testing
26 environment may be hot and dark with tightly enclosed

1 spaces, flashing lights, sirens, and other distractions.

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

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 list shall be determined by the following: (i)
9 the person's score on the written examination, (ii) the person
10 successfully passing the physical ability component, (iii) the
11 person's results on any subjective component as described in
12 subsection (d), and (iv) the addition of any applicable
13 preference points.

14 Applicants who pass the written examination, the physical
15 ability examination, and any subjective component shall be
16 placed on the initial eligibility register. The passing score
17 for each of these test components shall be determined by
18 calculating a mean score for all applicants participating in
19 each test. In order to qualify for placement on the final
20 eligibility register, an applicant's total score, before any
21 applicable preference points are applied, shall be at or above
22 the mean score plus 10%. The local appointing authority may
23 prescribe the score to qualify for placement on the final
24 eligibility register, but the score shall not be less than the
25 mean score plus 10%.

26 The commission shall prepare and keep a register of persons

1 whose total score is not less than the minimum fixed by this
2 Section. These persons shall take rank upon the register as
3 candidates in the order of their relative excellence based on
4 the highest to the lowest total points scored on the mental
5 aptitude, physical ability, and preference components of the
6 test administered in accordance with this Section. No more than
7 60 days after each examination, an initial eligibility list
8 shall be posted by the commission. The list shall include the
9 final grades of the candidates without reference to priority of
10 the time of examination and subject to claim for preference
11 credit.

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

21 (h) Preferences. The following are preferences:

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

1 service, shall be preferred for appointment to and
2 employment with the fire department of an affected
3 department.

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

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

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

22 (5) Experience preference. All persons employed by a
23 municipality who have been paid-on-call or part-time
24 certified Firefighter II, certified Firefighter III, State
25 of Illinois or nationally licensed EMT-B or EMT-I, licensed
26 paramedic, or any combination of those capacities may be

1 awarded up to a maximum of 5 points. However, the applicant
2 may not be awarded more than 0.5 points for each complete
3 year of paid-on-call or part-time service. Applicants from
4 outside the municipality who were employed as full-time
5 firefighters or firefighter-paramedics by a fire
6 protection district or another municipality may be awarded
7 up to 5 experience preference points. However, the
8 applicant may not be awarded more than one point for each
9 complete year of full-time service.

10 (6) Residency preference. Applicants whose principal
11 residence is located within the fire department's
12 jurisdiction may 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) Additional preferences. Up to 5 additional
6 preference points may be awarded for unique categories
7 based on an applicant's experience or background as
8 identified by the commission.

9 (8) Scoring of preferences. The commission shall give
10 preference for original appointment to persons designated
11 in item (1) by adding to the final grade that they receive
12 5 points for the recognized preference achieved. The
13 commission shall determine the number of preference points
14 for each category except (1). The number of preference
15 points for each category shall range from 0 to 5. In
16 determining the number of preference points, the
17 commission shall prescribe that if a candidate earns the
18 maximum number of preference points in all categories, that
19 number may not be less than 10 nor more than 30. The
20 commission shall give preference for original appointment
21 to persons designated in items (2) through (7) by adding
22 the requisite number of points to the final grade for each
23 recognized preference achieved. The numerical result thus
24 attained shall be applied by the commission in determining
25 the final eligibility list and appointment from the
26 eligibility list. The local appointing authority may

1 prescribe the total number of preference points awarded
2 under this Section, but the total number of preference
3 points shall not be less than 10 points or more than 30
4 points.

5 No person entitled to any preference shall be required to
6 claim the credit before any examination held under the
7 provisions of this Section, but the preference shall be given
8 after the posting or publication of the initial eligibility
9 list or register at the request of a person entitled to a
10 credit before any certification or appointments are made from
11 the eligibility register, upon the furnishing of verifiable
12 evidence and proof of qualifying preference credit. Candidates
13 who are eligible for preference credit shall make a claim in
14 writing within 10 days after the posting of the initial
15 eligibility list, or the claim shall be deemed waived. Final
16 eligibility registers shall be established after the awarding
17 of verified preference points. All employment shall be subject
18 to the commission's initial hire background review including,
19 but not limited to, criminal history, employment history, moral
20 character, oral examination, and medical and psychological
21 examinations, all on a pass-fail basis. The medical and
22 psychological examinations must be conducted last, and may only
23 be performed after a conditional offer of employment has been
24 extended.

25 Any person placed on an eligibility list who exceeds the
26 age requirement before being appointed to a fire department

1 shall remain eligible for appointment until the list is
2 abolished, or his or her name has been on the list for a period
3 of 2 years. No person who has attained the age of 35 years
4 shall be inducted into a fire department, except as otherwise
5 provided in this Section.

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

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

24 A classifiable set of the fingerprints of every person who
25 is offered employment as a certificated member of an affected
26 fire department whether with or without compensation, shall be

1 furnished to the Illinois Department of State Police and to the
2 Federal Bureau of Investigation by the commission.

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

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

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

5 Sec. 10-1-7.2. Alternative procedure; original
6 appointment; full-time firefighter.

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

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

25 (b) Eligibility. Persons eligible for placement on the

1 master register of eligibles shall consist of the following:

2 Persons who have participated in and received a passing
3 total score on the mental aptitude, physical ability, and
4 preference components of a regionally administered test
5 based on the standards described in this Section. The
6 standards for administering these tests and the minimum
7 passing score required for placement on this list shall be
8 as is set forth in this Section.

9 Qualified candidates shall be listed on the master
10 register of eligibles in highest to lowest rank order based
11 upon their test scores without regard to their date of
12 examination. Candidates listed on the master register of
13 eligibles shall be eligible for appointment for 2 years
14 after the date of the certification of their final score on
15 the register without regard to the date of their
16 examination. After 2 years, the candidate's name shall be
17 struck from the list.

18 Any person currently employed as a full-time member of
19 a fire department or any person who has experienced a
20 non-voluntary (and non-disciplinary) separation from the
21 active workforce due to a reduction in the number of
22 departmental officers, who was appointed pursuant to this
23 Division, Division 2.1 of Article 10 of the Illinois
24 Municipal Code, or the Fire Protection District Act, and
25 who during the previous 24 months participated in and
26 received a passing score on the physical ability and mental

1 apitude components of the test may request that his or her
2 name be added to the master register. Any eligible person
3 may be offered employment by a local commission under the
4 same procedures as provided by this Section except that the
5 apprenticeship period may be waived and the applicant may
6 be immediately issued a certificate of original
7 appointment by the local commission.

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

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

25 Notice of the time, place, general scope, and fee of every
26 JLMC examination shall be given by the JLMC or designated

1 testing agency, as applicable, by publication at least 30 days
2 preceding the examination, in one or more newspapers published
3 in the region, or if no newspaper is published therein, then in
4 one or more newspapers with a general circulation within the
5 region. The JLMC may publish the notice on the JLMC's Internet
6 website. Additional notice of the examination may be given as
7 the JLMC shall prescribe.

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

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

1 manner that ensures the security and accuracy of the scores
2 achieved. Any subjective component of the testing must be
3 administered by certified assessors. No person who does not
4 possess a high school diploma or an equivalent high school
5 education shall be placed on a register of eligibles. Local
6 commissions may establish educational, emergency medical
7 service licensure, and other pre-requisites for hire within
8 their jurisdiction.

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

25 (1) Muscular strength to perform tasks and evolutions
26 that may be required in the performance of duties including

1 grip strength, leg strength, and arm strength. Tests shall
2 be conducted under anaerobic as well as aerobic conditions
3 to test both the candidate's speed and endurance in
4 performing tasks and evolutions. Tasks tested are to be
5 based on industry standards developed by the JLMC by rule.

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

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

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

21 Applicants who have achieved at least the mean score of all
22 applicants participating in the written examination at the same
23 time, and who successfully pass the physical ability
24 examination shall be placed on the initial eligibility
25 register. For placement on the final eligibility register, the
26 passing score shall be determined by (i) calculating the mean

1 score for all applicants participating in the written test; and
2 (ii) adding 20% to the mean score. Applicants whose total
3 scores, including any applicable preference points, are above
4 the mean score plus 20%, shall be placed on the master register
5 of eligibles by the JLMC.

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

12 No more than 60 days after each examination, a revised
13 master register of eligibles shall be posted by the JLMC
14 showing the final grades of the candidates without reference to
15 priority of time of examination.

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

21 No person entitled to preference or credit shall be
22 required to claim the credit before any examination held under
23 the provisions of this Section. The preference shall be given
24 after the posting or publication of the applicant's initial
25 score at the request of the person before finalizing the scores
26 from all applicants taking part in a JLMC examination.

1 Candidates who are eligible for preference credit shall make a
2 claim in writing within 10 days after the posting of the
3 initial scores from any JLMC test or the claim shall be deemed
4 waived. Once preference points are awarded, the candidates
5 shall be certified to the master register in accordance with
6 their final score including preference points.

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

1 extended.

2 (j) Selection from list. Any municipality or fire
3 protection district that is a party to an intergovernmental
4 agreement under the terms of which persons have been tested for
5 placement on the master register of eligibles shall be entitled
6 to offer employment to any person on the list irrespective of
7 their ranking on the list. The offer of employment shall be to
8 the position of firefighter apprentice or
9 firefighter-paramedic apprentice.

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

18 Service during the apprenticeship period shall be on a
19 probationary basis. During the apprenticeship period, the
20 apprentice's training and performance shall be monitored and
21 evaluated by a Joint Apprenticeship Committee.

22 The Joint Apprenticeship Committee shall consist of 4
23 members who shall be regular members of the fire department
24 with at least 10 years of full-time work experience as a
25 firefighter or firefighter-paramedic. The fire chief and the
26 president of the exclusive bargaining representative

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

1 certificate of original appointment to the fire department.

2 (k) A person who knowingly divulges or receives test
3 questions or answers before a written examination, or otherwise
4 knowingly violates or subverts any requirement of this Section,
5 commits a violation of this Section and may be subject to
6 charges for official misconduct.

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

12 (65 ILCS 5/10-2.1-4) (from Ch. 24, par. 10-2.1-4)

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

15 The board of fire and police commissioners shall appoint
16 all officers and members of the fire and police departments of
17 the municipality, including the chief of police and the chief
18 of the fire department, unless the council or board of trustees
19 shall by ordinance as to them otherwise provide; except as
20 otherwise provided in this Section, and except that in any
21 municipality which adopts or has adopted this Division 2.1 and
22 also adopts or has adopted Article 5 of this Code, the chief of
23 police and the chief of the fire department shall be appointed
24 by the municipal manager, if it is provided by ordinance in
25 such municipality that such chiefs, or either of them, shall

1 not be appointed by the board of fire and police commissioners.

2 If the chief of the fire department or the chief of the
3 police department or both of them are appointed in the manner
4 provided by ordinance, they may be removed or discharged by the
5 appointing authority. In such case the appointing authority
6 shall file with the corporate authorities the reasons for such
7 removal or discharge, which removal or discharge shall not
8 become effective unless confirmed by a majority vote of the
9 corporate authorities.

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

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

1 ordinance as to them otherwise provided. A chief of police or
2 the chief of the fire department, having been appointed from
3 among members of the police or fire department, respectively,
4 shall be permitted, regardless of rank, to take promotional
5 exams and be promoted to a higher classified rank than he
6 currently holds, without having to resign as chief of police or
7 chief of the fire department.

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

1 amendatory Act of the 95th General Assembly that are using
2 non-certificated employees as substitutes immediately prior to
3 the effective date of this amendatory Act of the 95th General
4 Assembly may, by mutual agreement with the certified bargaining
5 agent, continue the existing practice or a modified practice
6 and that agreement shall be considered a permissive subject of
7 bargaining. A home rule unit may not regulate the hiring of
8 temporary or substitute members of the municipality's fire
9 department in a manner that is inconsistent with this Section.
10 This Section is a limitation under subsection (i) of Section 6
11 of Article VII of the Illinois Constitution on the concurrent
12 exercise by home rule units of powers and functions exercised
13 by the State.

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

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

22 Notwithstanding any other provision of this Section, the
23 Chief of Police of a department in a non-homerule municipality
24 of more than 130,000 inhabitants may, without the advice or
25 consent of the Board of Fire and Police Commissioners, appoint
26 up to 6 officers who shall be known as deputy chiefs or

1 assistant deputy chiefs, and whose rank shall be immediately
2 below that of Chief. The deputy or assistant deputy chiefs may
3 be appointed from any rank of sworn officers of that
4 municipality, but no person who is not such a sworn officer may
5 be so appointed. Such deputy chief or assistant deputy chief
6 shall have the authority to direct and issue orders to all
7 employees of the Department holding the rank of captain or any
8 lower rank. A deputy chief of police or assistant deputy chief
9 of police, having been appointed from any rank of sworn
10 officers of that municipality, shall be permitted, regardless
11 of rank, to take promotional exams and be promoted to a higher
12 classified rank than he currently holds, without having to
13 resign as deputy chief of police or assistant deputy chief of
14 police.

15 Notwithstanding any other provision of this Section, a
16 non-homerule municipality of 130,000 or fewer inhabitants,
17 through its council or board of trustees, may, by ordinance,
18 provide for a position of deputy chief to be appointed by the
19 chief of the police department. The ordinance shall provide for
20 no more than one deputy chief position if the police department
21 has fewer than 25 full-time police officers and for no more
22 than 2 deputy chief positions if the police department has 25
23 or more full-time police officers. The deputy chief position
24 shall be an exempt rank immediately below that of Chief. The
25 deputy chief may be appointed from any rank of sworn, full-time
26 officers of the municipality's police department, but must have

1 at least 5 years of full-time service as a police officer in
2 that department. A deputy chief shall serve at the discretion
3 of the Chief and, if removed from the position, shall revert to
4 the rank currently held, without regard as to whether a vacancy
5 exists in that rank. A deputy chief of police, having been
6 appointed from any rank of sworn full-time officers of that
7 municipality's police department, shall be permitted,
8 regardless of rank, to take promotional exams and be promoted
9 to a higher classified rank than he currently holds, without
10 having to resign as deputy chief of police.

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

1 certification.

2 To the extent that this Section or any other Section in
3 this Division conflicts with Section 10-2.1-6.3 or 10-2.1-6.4,
4 then Section 10-2.1-6.3 or 10-2.1-6.4 shall control.

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

7 (65 ILCS 5/10-2.1-6.3 new)

8 Sec. 10-2.1-6.3. Original appointments; full-time fire
9 department.

10 (a) Applicability. Unless a commission elects to follow the
11 provisions of Section 10-2.1-6.4, this Section shall apply to
12 all original appointments to an affected full-time fire
13 department. Existing registers of eligibles shall continue to
14 be valid until their expiration dates, or up to a maximum of 2
15 years after the effective date of this amendatory Act of the
16 97th General Assembly.

17 Notwithstanding any statute, ordinance, rule, or other law
18 to the contrary, all original appointments to an affected
19 department to which this Section applies shall be administered
20 in the manner provided for in this Section. Provisions of the
21 Illinois Municipal Code, municipal ordinances, and rules
22 adopted pursuant to such authority and other laws relating to
23 initial hiring of firefighters in affected departments shall
24 continue to apply to the extent they are compatible with this
25 Section, but in the event of a conflict between this Section

1 and any other law, this Section shall control.

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

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

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

22 Whenever an appointing authority authorizes action to hire
23 a person to perform the duties of a firefighter or to hire a
24 firefighter-paramedic to fill a position that is a new position
25 or vacancy due to resignation, discharge, promotion, death, the
26 granting of a disability or retirement pension, or any other

1 cause, the appointing authority shall appoint to that position
2 the person with the highest ranking on the final eligibility
3 list, except that the appointing authority shall have the right
4 to pass over that person and appoint the next highest ranked
5 person on the list if the appointing authority has reason to
6 conclude that the highest ranked person fails to meet the
7 minimum standards for the position.

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

16 The sole authority to issue certificates of appointment
17 shall be vested in the board of fire and police commissioners.
18 All certificates of appointment issued to any officer or member
19 of an affected department shall be signed by the chairperson
20 and secretary, respectively, of the board upon appointment of
21 such officer or member to the affected department by action of
22 the board. Each person who accepts a certificate of appointment
23 and successfully completes his or her probationary period shall
24 be enrolled as a firefighter and as a regular member of the
25 fire department.

26 For the purposes of this Section, "firefighter" means any

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

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

1 process shall not exceed \$25.

2 Residency requirements in effect at the time an individual
3 enters the fire service of a municipality (other than a
4 municipality that has more than 1,000,000 inhabitants) cannot
5 be made more restrictive for that individual during his or her
6 period of service for that municipality, or be made a condition
7 of promotion, except for the rank or position of fire chief and
8 for no more than 2 positions that rank immediately below that
9 of the chief rank which are appointed positions pursuant to the
10 Fire Department Promotion Act.

11 No person who is 35 years of age or older shall be eligible
12 to take an examination for a position as a firefighter unless
13 the person has had previous employment status as a firefighter
14 in the regularly constituted fire department of the
15 municipality, except as provided in this Section. The age
16 limitation does not apply to:

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

25 (2) any person who has served a municipality as a
26 regularly enrolled volunteer, paid-on-call, or part-time

1 firefighter for the 5 years immediately preceding the time
2 that the municipality begins to use full-time firefighters
3 to provide all or part of its fire protection service.

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

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

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

22 In the event that any applicant who has been found eligible
23 for appointment and whose name has been placed upon the final
24 eligibility register provided for in this Section has not been
25 appointed to a firefighter position within one year after the
26 date of his or her physical ability examination, the commission

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

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

25 The examination and qualifying standards for employment of
26 firefighters shall be based on: mental aptitude, physical

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

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

18 (f) Physical ability. All candidates shall be required to
19 undergo an examination of their physical ability to perform the
20 essential functions included in the duties they may be called
21 upon to perform as a member of a fire department. For the
22 purposes of this Section, essential functions of the job are
23 functions associated with duties that a firefighter may be
24 called upon to perform in response to emergency calls. The
25 frequency of the occurrence of those duties as part of the fire
26 department's regular routine shall not be a controlling factor

1 in the design of examination criteria or evolutions selected
2 for testing. These physical examinations shall be open,
3 competitive, and based on industry standards designed to test
4 each applicant's physical abilities in the following
5 dimensions (or a similar test designed to ensure that the
6 successful candidates are able to perform the essential
7 functions of the firefighter's job description):

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

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

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

24 Physical ability examinations administered under this
25 Section shall be conducted with a reasonable number of proctors
26 and monitors, open to the public, and subject to reasonable

1 regulations of the commission.

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

10 Applicants who pass the written examination, the physical
11 ability examination, and any subjective component shall be
12 placed on the initial eligibility register. The passing score
13 for each of these test components shall be determined by
14 calculating a mean score for all applicants participating in
15 each test. In order to qualify for placement on the final
16 eligibility register, an applicant's total score, before any
17 applicable preference points are applied, shall be at or above
18 the mean score plus 10%. The local appointing authority may
19 prescribe the score to qualify for placement on the final
20 eligibility register, but the score shall not be less than the
21 mean score plus 10%.

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

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

17 (h) Preferences. The following are preferences:

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

26 (2) Fire cadet preference. Persons who have

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

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

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

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

1 Applicants from outside the municipality who were employed
2 as full-time firefighters or firefighter-paramedics by a
3 fire protection district or another municipality for at
4 least 2 years shall be awarded 5 experience preference
5 points. These additional points presuppose a rating scale
6 totaling 100 points available for the eligibility list. If
7 more or fewer points are used in the rating scale for the
8 eligibility list, the points awarded under this subsection
9 shall be increased or decreased by a factor equal to the
10 total possible points available for the examination
11 divided by 100.

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

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

1 receiving all of their points due to not being allowed to
2 pass a veteran, the candidates shall be placed on the list
3 below the veteran in rank order based on the totals
4 received if all points under this subsection were to be
5 awarded. Any remaining ties on the list shall be determined
6 by lot.

7 (7) Additional preferences. Up to 5 additional
8 preference points may be awarded for unique categories
9 based on an applicant's experience or background as
10 identified by the commission.

11 (8) Scoring of preferences. The commission shall give
12 preference for original appointment to persons designated
13 in item (1) by adding to the final grade that they receive
14 5 points for the recognized preference achieved. The
15 commission shall determine the number of preference points
16 for each category except (1). The number of preference
17 points for each category shall range from 0 to 5. In
18 determining the number of preference points, the
19 commission shall prescribe that if a candidate earns the
20 maximum number of preference points in all categories, that
21 number may not be less than 10 nor more than 30. The
22 commission shall give preference for original appointment
23 to persons designated in items (2) through (7) by adding
24 the requisite number of points to the final grade for each
25 recognized preference achieved. The numerical result thus
26 attained shall be applied by the commission in determining

1 the final eligibility list and appointment from the
2 eligibility list. The local appointing authority may
3 prescribe the total number of preference points awarded
4 under this Section, but the total number of preference
5 points shall not be less than 10 points or more than 30
6 points.

7 No person entitled to any preference shall be required to
8 claim the credit before any examination held under the
9 provisions of this Section, but the preference shall be given
10 after the posting or publication of the initial eligibility
11 list or register at the request of a person entitled to a
12 credit before any certification or appointments are made from
13 the eligibility register, upon the furnishing of verifiable
14 evidence and proof of qualifying preference credit. Candidates
15 who are eligible for preference credit shall make a claim in
16 writing within 10 days after the posting of the initial
17 eligibility list, or the claim shall be deemed waived. Final
18 eligibility registers shall be established after the awarding
19 of verified preference points. All employment shall be subject
20 to the commission's initial hire background review including,
21 but not limited to, criminal history, employment history, moral
22 character, oral examination, and medical and psychological
23 examinations, all on a pass-fail basis. The medical and
24 psychological examinations must be conducted last, and may only
25 be performed after a conditional offer of employment has been
26 extended.

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

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

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

26 A classifiable set of the fingerprints of every person who

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

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

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

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

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

6 (65 ILCS 5/10-2.1-6.4 new)

7 Sec. 10-2.1-6.4. Alternative procedure; original
8 appointment; full-time firefighter.

9 (a) Authority. The Joint Labor and Management Committee
10 (JLMC), as defined in Section 50 of the Fire Department
11 Promotion Act, may establish a community outreach program to
12 market the profession of firefighter and firefighter-paramedic
13 so as to ensure the pool of applicants recruited is of broad
14 diversity and the highest quality.

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

1 firefighter duties; and elected officials.

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

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

11 Qualified candidates shall be listed on the master
12 register of eligibles in highest to lowest rank order based
13 upon their test scores without regard to their date of
14 examination. Candidates listed on the master register of
15 eligibles shall be eligible for appointment for 2 years
16 after the date of the certification of their final score on
17 the register without regard to the date of their
18 examination. After 2 years, the candidate's name shall be
19 struck from the list.

20 Any person currently employed as a full-time member of
21 a fire department or any person who has experienced a
22 non-voluntary (and non-disciplinary) separation from the
23 active workforce due to a reduction in the number of
24 departmental officers, who was appointed pursuant to
25 Division 1 of Article 10 of the Illinois Municipal Code,
26 Division 2.1 of Article 10 of the Illinois Municipal Code,

1 or the Fire Protection District Act, and who during the
2 previous 24 months participated in and received a passing
3 score on the physical ability and mental aptitude
4 components of the test may request that his or her name be
5 added to the master register. Any eligible person may be
6 offered employment by a local commission under the same
7 procedures as provided by this Section except that the
8 apprenticeship period may be waived and the applicant may
9 be immediately issued a certificate of original
10 appointment by the local commission.

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

1 specifically provided otherwise in this Section.

2 Notice of the time, place, general scope, and fee of every
3 JLMC examination shall be given by the JLMC or designated
4 testing agency, as applicable, by a publication at least 30
5 days preceding the examination, in one or more newspapers
6 published in the region, or if no newspaper is published
7 therein, then in one or more newspapers with a general
8 circulation within the region. The JLMC may publish the notice
9 on the JLMC's Internet website. Additional notice of the
10 examination may be given as the JLMC shall prescribe.

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

22 (e) Mental aptitude. Examination of an applicant's mental
23 aptitude shall be based upon written examination and an
24 applicant's prior experience demonstrating an aptitude for and
25 commitment to service as a member of a fire department. Written
26 examinations shall be practical in character and relate to

1 those matters that fairly test the capacity of the persons
2 examined to discharge the duties performed by members of a fire
3 department. Written examinations shall be administered in a
4 manner that ensures the security and accuracy of the scores
5 achieved. Any subjective component of the testing must be
6 administered by certified assessors. No person who does not
7 possess a high school diploma or an equivalent high school
8 education shall be placed on a register of eligibles. Local
9 commissions may establish educational, emergency medical
10 service licensure, and other pre-requisites for hire within
11 their jurisdiction.

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

1 functions of a firefighter's job description):

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

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

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

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

24 Applicants who have achieved at least the mean score of all
25 applicants participating in the written examination at the same
26 time, and who successfully pass the physical ability

1 examination shall be placed on the initial eligibility
2 register. For placement on the final eligibility register, the
3 passing score shall be determined by (i) calculating the mean
4 score for all applicants participating in the written test; and
5 (ii) adding 20% to the mean score. Applicants whose total
6 scores, including any applicable preference points, are above
7 the mean score plus 20%, shall be placed on the master register
8 of eligibles by the JLMC.

9 These persons shall take rank upon the register as
10 candidates in the order of their relative excellence based on
11 the highest to the lowest total points scored on the mental
12 aptitude and physical ability components, plus any applicable
13 preference points requested and verified by the JLMC, or
14 approved testing agency.

15 No more than 60 days after each examination, a revised
16 master register of eligibles shall be posted by the JLMC
17 showing the final grades of the candidates without reference to
18 priority of time of examination.

19 (h) Preferences. The board shall give military, education,
20 and experience preference points to those who qualify for
21 placement on the master register of eligibles, on the same
22 basis as provided for examinations administered by a local
23 commission.

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

1 after the posting or publication of the applicant's initial
2 score at the request of the person before finalizing the scores
3 from all applicants taking part in a JLMC examination.
4 Candidates who are eligible for preference credit shall make a
5 claim in writing within 10 days after the posting of the
6 initial scores from any JLMC test or the claim shall be deemed
7 waived. Once preference points are awarded, the candidates
8 shall be certified to the master register in accordance with
9 their final score including preference points.

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

1 drug screening components, all on a pass-fail basis. The
2 medical examinations must be conducted last, and may only be
3 performed after a conditional offer of employment has been
4 extended.

5 (j) Selection from list. Any municipality or fire
6 protection district that is a party to an intergovernmental
7 agreement under the terms of which persons have been tested for
8 placement on the master register of eligibles shall be entitled
9 to offer employment to any person on the list irrespective of
10 their ranking on the list. The offer of employment shall be to
11 the position of firefighter apprentice or
12 firefighter-paramedic apprentice.

13 Applicants passing these tests may be employed as a
14 firefighter apprentice or a firefighter-paramedic apprentice
15 who shall serve an apprenticeship period of 12 months or less
16 according to the terms and conditions of employment as the
17 employing municipality or district offers, or as provided for
18 under the terms of any collective bargaining agreement then in
19 effect. The apprenticeship period is separate from the
20 probationary period.

21 Service during the apprenticeship period shall be on a
22 probationary basis. During the apprenticeship period, the
23 apprentice's training and performance shall be monitored and
24 evaluated by a Joint Apprenticeship Committee.

25 The Joint Apprenticeship Committee shall consist of 4
26 members who shall be regular members of the fire department

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

1 apprentice (if a 2 member Joint Apprenticeship Committee
2 exists, then both members must affirmatively vote to retain the
3 apprentice), the local commission shall issue the apprentice a
4 certificate of original appointment to the fire department.

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

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

15 Section 10. The Fire Protection District Act is amended by
16 changing Section 16.04a and by adding Sections 16.06b and
17 16.06c as follows:

18 (70 ILCS 705/16.04a) (from Ch. 127 1/2, par. 37.04a)

19 Sec. 16.04a. The board of fire commissioners shall appoint
20 all officers and members of the fire departments of the
21 district, except the Chief of the fire department. The board of
22 trustees shall appoint the Chief of the fire department, who
23 shall serve at the pleasure of the board, and may enter into a
24 multi-year contract not exceeding 3 years with the Chief.

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

15 All appointments to each department other than that of the
16 lowest rank, however, shall be from the rank next below that to
17 which the appointment is made, except that the Chief of the
18 fire department may be appointed from among members of the fire
19 department, regardless of rank.

20 The sole authority to issue certificates of appointment
21 shall be vested in the board of fire commissioners and all
22 certificates of appointments issued to any officer or member of
23 the fire department shall be signed by the chairman and
24 secretary respectively of the board of fire commissioners upon
25 appointment of such officer or member of the fire department by
26 action of the board of fire commissioners.

1 To the extent that this Section or any other Section in
2 this Act conflicts with Section 16.06b or 16.06c, then Section
3 16.06b or 16.06c shall control.

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

5 (70 ILCS 705/16.06b new)

6 Sec. 16.06b. Original appointments; full-time fire
7 department.

8 (a) Applicability. Unless a commission elects to follow the
9 provisions of Section 16.06c, this Section shall apply to all
10 original appointments to an affected full-time fire
11 department. Existing registers of eligibles shall continue to
12 be valid until their expiration dates, or up to a maximum of 2
13 years after the effective date of this amendatory Act of the
14 97th General Assembly.

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

1 A fire protection district that is operating under a court
2 order or consent decree regarding original appointments to a
3 full-time fire department before the effective date of this
4 amendatory Act of the 97th General Assembly is exempt from the
5 requirements of this Section for the duration of the court
6 order or consent decree.

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

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

26 Any candidate may pass on an appointment once without

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

8 The sole authority to issue certificates of appointment
9 shall be vested in the board of fire commissioners, or board of
10 trustees serving in the capacity of a board of fire
11 commissioners. All certificates of appointment issued to any
12 officer or member of an affected department shall be signed by
13 the chairperson and secretary, respectively, of the commission
14 upon appointment of such officer or member to the affected
15 department by action of the commission. Each person who accepts
16 a certificate of appointment and successfully completes his or
17 her probationary period shall be enrolled as a firefighter and
18 as a regular member of the fire department.

19 For the purposes of this Section, "firefighter" means any
20 person who has been prior to, on, or after the effective date
21 of this amendatory Act of the 97th General Assembly appointed
22 to a fire department or fire protection district or employed by
23 a State university and sworn or commissioned to perform
24 firefighter duties or paramedic duties, or both, except that
25 the following persons are not included: part-time
26 firefighters; auxiliary, reserve, or voluntary firefighters,

1 including paid-on-call firefighters; clerks and dispatchers or
2 other civilian employees of a fire department or fire
3 protection district who are not routinely expected to perform
4 firefighter duties; and elected officials.

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

21 Residency requirements in effect at the time an individual
22 enters the fire service of a district cannot be made more
23 restrictive for that individual during his or her period of
24 service for that district, or be made a condition of promotion,
25 except for the rank or position of fire chief and for no more
26 than 2 positions that rank immediately below that of the chief

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

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

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

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

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

24 No applicant shall be examined concerning his or her
25 political or religious opinions or affiliations. The
26 examinations shall be conducted by the commissioners of the

1 district or their designees and agents.

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

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

1 ability of that applicant is found to be less than the minimum
2 standard fixed by the rules of the commission, the applicant
3 shall not be appointed, and the name of the applicant shall be
4 removed from the register.

5 (d) Notice, examination, and testing components. Notice of
6 the time, place, general scope, merit criteria for any
7 subjective component, and fee of every examination shall be
8 given by the commission, by a publication at least 2 weeks
9 preceding the examination, in one or more newspapers published
10 in the district, or if no newspaper is published therein, then
11 in one or more newspapers with a general circulation within the
12 district. The fire protection district may publish the notice
13 on the fire protection district's Internet website. Additional
14 notice of the examination may be given as the commission shall
15 prescribe.

16 The examination and qualifying standards for employment of
17 firefighters shall be based on: mental aptitude, physical
18 ability, preferences, moral character, and health. The mental
19 aptitude, physical ability, and preference components shall
20 determine an applicant's qualification for and placement on the
21 final register of eligibles. The examination may also include a
22 subjective component based on merit criteria as determined by
23 the commission. Scores from the examination must be made
24 available to the public.

25 (e) Mental aptitude. No person who does not possess at
26 least a high school diploma or an equivalent high school

1 education shall be placed on a register of eligibles.
2 Examination of an applicant's mental aptitude shall be based
3 upon a written examination. The examination shall be practical
4 in character and relate to those matters that fairly test the
5 capacity of the persons examined to discharge the duties
6 performed by members of a fire department. Written examinations
7 shall be administered in a manner that ensures the security and
8 accuracy of the scores achieved.

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

25 (1) Muscular strength to perform tasks and evolutions
26 that may be required in the performance of duties including

1 grip strength, leg strength, and arm strength. Tests shall
2 be conducted under anaerobic as well as aerobic conditions
3 to test both the candidate's speed and endurance in
4 performing tasks and evolutions. Tasks tested may be based
5 on standards developed, or approved, by the local
6 appointing authority.

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

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

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

19 (g) Scoring of examination components. The examination
20 components shall be graded on a 100-point scale. A person's
21 position on the list shall be determined by the following: (i)
22 the person's score on the written examination, (ii) the person
23 successfully passing the physical ability component, (iii) the
24 person's results on any subjective component as described in
25 subsection (d), and (iv) the addition of any applicable
26 preference points.

1 Applicants who pass the written examination, the physical
2 ability examination, and any subjective component shall be
3 placed on the initial eligibility register. The passing score
4 for each of these test components shall be determined by
5 calculating a mean score for all applicants participating in
6 each test. In order to qualify for placement on the final
7 eligibility register, an applicant's total score, before any
8 applicable preference points are applied, shall be at or above
9 the mean score plus 10%. The local appointing authority may
10 prescribe the score to qualify for placement on the final
11 eligibility register, but the score shall not be less than the
12 mean score plus 10%.

13 The commission shall prepare and keep a register of persons
14 whose total score is not less than the minimum fixed by this
15 Section. These persons shall take rank upon the register as
16 candidates in the order of their relative excellence based on
17 the highest to the lowest total points scored on the mental
18 aptitude, physical ability, and preference components of the
19 test administered in accordance with this Section. No more than
20 60 days after each examination, an initial eligibility list
21 shall be posted by the commission. The list shall include the
22 final grades of the candidates without reference to priority of
23 the time of examination and subject to claim for preference
24 credit.

25 Commissions may conduct additional examinations, including
26 without limitation a polygraph test, after a final eligibility

1 register is established and before it expires with the
2 candidates ranked by total score without regard to date of
3 examination. No more than 60 days after each examination, an
4 initial eligibility list shall be posted by the commission
5 showing the final grades of the candidates without reference to
6 priority of time of examination and subject to claim for
7 preference credit.

8 (h) Preferences. The following are preferences:

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

17 (2) Fire cadet preference. Persons who have
18 successfully completed 2 years of study in fire techniques
19 or cadet training within a cadet program established under
20 the rules of the Joint Labor and Management Committee
21 (JLMC), as defined in Section 50 of the Fire Department
22 Promotion Act, may be preferred for appointment to and
23 employment with the fire department.

24 (3) Educational preference. Persons who have
25 successfully obtained an associate's degree in the field of
26 fire service or emergency medical services, or a bachelor's

1 degree from an accredited college or university may be
2 preferred for appointment to and employment with the fire
3 department.

4 (4) Paramedic preference. Persons who have obtained
5 certification as an Emergency Medical Technician-Paramedic
6 (EMT-P) may be preferred for appointment to and employment
7 with the fire department of an affected department
8 providing emergency medical services.

9 (5) Experience preference. All persons employed by a
10 district who have been paid-on-call or part-time certified
11 Firefighter II, certified Firefighter III, State of
12 Illinois or nationally licensed EMT-B or EMT-I, licensed
13 paramedic, or any combination of those capacities may be
14 awarded up to a maximum of 5 points. However, the applicant
15 may not be awarded more than 0.5 points for each complete
16 year of paid-on-call or part-time service. Applicants from
17 outside the district who were employed as full-time
18 firefighters or firefighter-paramedics by a fire
19 protection district or municipality for at least 2 years
20 may be awarded up to 5 experience preference points.
21 However, the applicant may not be awarded more than one
22 point for each complete year of full-time service.

23 (6) Residency preference. Applicants whose principal
24 residence is located within the fire department's
25 jurisdiction may be preferred for appointment to and
26 employment with the fire department.

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

18 (7) Additional preferences. Up to 5 additional
19 preference points may be awarded for unique categories
20 based on an applicant's experience or background as
21 identified by the commission.

22 (8) Scoring of preferences. The commission shall give
23 preference for original appointment to persons designated
24 in item (1) by adding to the final grade that they receive
25 5 points for the recognized preference achieved. The
26 commission shall determine the number of preference points

1 for each category except (1). The number of preference
2 points for each category shall range from 0 to 5. In
3 determining the number of preference points, the
4 commission shall prescribe that if a candidate earns the
5 maximum number of preference points in all categories, that
6 number may not be less than 10 nor more than 30. The
7 commission shall give preference for original appointment
8 to persons designated in items (2) through (7) by adding
9 the requisite number of points to the final grade for each
10 recognized preference achieved. The numerical result thus
11 attained shall be applied by the commission in determining
12 the final eligibility list and appointment from the
13 eligibility list. The local appointing authority may
14 prescribe the total number of preference points awarded
15 under this Section, but the total number of preference
16 points shall not be less than 10 points or more than 30
17 points.

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

1 writing within 10 days after the posting of the initial
2 eligibility list, or the claim shall be deemed waived. Final
3 eligibility registers shall be established after the awarding
4 of verified preference points. All employment shall be subject
5 to the commission's initial hire background review including,
6 but not limited to, criminal history, employment history, moral
7 character, oral examination, and medical and psychological
8 examinations, all on a pass-fail basis. The medical and
9 psychological examinations must be conducted last, and may only
10 be performed after a conditional offer of employment has been
11 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 Section, 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 (70 ILCS 705/16.06c new)

18 Sec. 16.06c. Alternative procedure; original appointment;
19 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 2 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 2 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
10 Division 1 of Article 10 of the Illinois Municipal Code,
11 Division 2.1 of Article 10 of the Illinois Municipal Code,
12 or the Fire Protection District Act, and who during the
13 previous 24 months participated in and received a passing
14 score on the physical ability and mental aptitude
15 components of the test may request that his or her name be
16 added to the master register. Any eligible person may be
17 offered employment by a local commission under the same
18 procedures as provided by this Section except that the
19 apprenticeship period may be waived and the applicant may
20 be immediately issued a certificate of original
21 appointment by the local commission.

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

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

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

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

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

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

23 (f) Physical ability. All candidates shall be required to
24 undergo an examination of their physical ability to perform the
25 essential functions included in the duties they may be called
26 upon to perform as a member of a fire department. For the

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

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

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

23 (3) The ability to carry out critical, time-sensitive,
24 and complex problem solving during physical exertion in
25 stressful and hazardous environments. The testing
26 environment may be hot and dark with tightly enclosed

1 spaces, flashing lights, sirens, and other distractions.

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

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

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

26 No more than 60 days after each examination, a revised

1 master register of eligibles shall be posted by the JLMC
2 showing the final grades of the candidates without reference to
3 priority of time of examination.

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

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

21 (i) Firefighter apprentice and firefighter-paramedic
22 apprentice. The employment of an applicant to an apprentice
23 position (including a currently employed full-time member of a
24 fire department whose apprenticeship may be reduced or waived)
25 shall be subject to the applicant passing the moral character
26 standards and health examinations of the local commission. In

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

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

24 Applicants passing these tests may be employed as a
25 firefighter apprentice or a firefighter-paramedic apprentice
26 who shall serve an apprenticeship period of 12 months or less

1 according to the terms and conditions of employment as the
2 employing municipality or district offers, or as provided for
3 under the terms of any collective bargaining agreement then in
4 effect. The apprenticeship period is separate from the
5 probationary period.

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

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

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

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

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

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.