



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB1709

by Rep. Thomas Holbrook

#### SYNOPSIS AS INTRODUCED:

50 ILCS 742/50

Amends the Fire Department Promotion Act. Provides that the Joint Labor and Management Committee may charge reasonable fees that are related to the costs of administering authorized programs and conducting classes to the following: (i) applicants for certifications or recertifications, (ii) recipients of certifications or recertifications, and (iii) individuals and entities approved by the Joint Labor and Management Committee to conduct programs or classes. Effective immediately.

LRB097 05065 KMW 45106 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning local government.

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

4 Section 5. The Fire Department Promotion Act is amended by  
5 changing Section 50 as follows:

6 (50 ILCS 742/50)

7 Sec. 50. Subjective evaluation.

8 (a) A promotion test may include subjective evaluation  
9 components. Subjective evaluations may include an oral  
10 interview, tactical evaluation, performance evaluation, or  
11 other component based on subjective evaluation of the examinee.  
12 The methods used for subjective evaluations may include using  
13 any employee assessment centers, evaluation systems, chief's  
14 points, or other methods.

15 (b) Any subjective component shall be identified to all  
16 candidates prior to its application, be job-related, and be  
17 applied uniformly to all candidates. Every examinee shall have  
18 the right to documentation of his or her score on the  
19 subjective component upon the completion of the subjective  
20 examination component or its application. A designated  
21 representative of the contracting union party shall be notified  
22 and be entitled to be present to monitor any preliminary  
23 meeting between certified assessors or representatives of a

1 testing agency and representatives of the appointing authority  
2 held prior to the administration of the test to candidates for  
3 promotion.

4 (c) Where chief's points or other subjective methods are  
5 employed that are not amenable to monitoring, monitors shall  
6 not be required, but any disputes as to the results of such  
7 methods shall be subject to resolution in accordance with any  
8 collectively bargained grievance procedure in effect at the  
9 time of the test.

10 (d) Where performance evaluations are used as a basis for  
11 promotions, they shall be given annually and made readily  
12 available to each candidate for review and they shall include  
13 any disagreement or documentation the employee provides to  
14 refute or contest the evaluation. These annual evaluations are  
15 not subject to grievance procedures, unless used for points in  
16 the promotion process.

17 (e) Total points awarded for subjective components shall be  
18 posted before the written examination is administered and  
19 before the promotion list is compiled.

20 (f) Persons selected to grade candidates for promotion  
21 during an assessment center process shall be impartial  
22 professionals who have undergone training to be certified  
23 assessors. The training and certification requirements shall,  
24 at a minimum, provide that, to obtain and maintain  
25 certification, assessors shall complete a course of basic  
26 training, subscribe to a code of ethical conduct, complete

1 continuing education, and satisfy minimum activity levels.

2 (g) The standards for certification shall be established by  
3 a Joint Labor and Management Committee (JLMC) composed of 4  
4 members: 2 designated by a statewide association whose  
5 membership is predominantly fire chiefs representing  
6 management interests of the Illinois fire service, and 2  
7 designated by a statewide labor organization that is a  
8 representative of sworn or commissioned firefighters in  
9 Illinois. Members may serve terms of one year subject to  
10 reappointment.

11 For the purposes of this Section, the term "statewide labor  
12 organization" has the meaning ascribed to it in Section 10-3-12  
13 of the Illinois Municipal Code.

14 In developing certification standards the JLMC may seek the  
15 advice and counsel of professionals and experts and may appoint  
16 an advisory committee.

17 The JLMC may charge reasonable fees that are related to the  
18 costs of administering authorized programs and conducting  
19 classes, including without limitation the costs of monitoring  
20 programs and classes, to the following: (i) applicants for  
21 certifications or recertifications, (ii) recipients of  
22 certifications or recertifications, and (iii) individuals and  
23 entities approved by the JLMC to conduct programs or classes.

24 The JLMC's initial certification standards shall be  
25 submitted to the Office of the State Fire Marshal by January 1,  
26 2009. The JLMC may provisionally certify persons who have prior

1 experience as assessors on promotional examinations in the fire  
2 service. Effective January 1, 2010 only those persons who meet  
3 the certification standards developed by the JLMC and submitted  
4 to the Office of the State Fire Marshal may be selected to  
5 grade candidates on a subjective component of a promotional  
6 examination conducted under the authority of this Act; provided  
7 this requirement shall be waived for persons employed or  
8 appointed by the jurisdiction administering the examination.

9 The JLMC shall annually:

10 (1) issue public notice offering persons who are  
11 interested in qualifying as certified assessors the  
12 opportunity to enroll in training; and

13 (2) submit to the Office of the State Fire Marshal an  
14 amended list of persons who remain certified, are newly  
15 certified, or who are no longer certified.

16 (h) The Office of the State Fire Marshal shall support the  
17 program by adopting certification standards based on those  
18 submitted by the JLMC and by establishing a roster of certified  
19 assessors composed of persons certified by the JLMC.

20 If the parties have not agreed to contract with a  
21 particular testing company to provide certified assessors,  
22 either party may request the Office to provide the names of  
23 certified assessors. Within 7 days after receiving a request  
24 from either party for a list of certified assessors, the Office  
25 shall select at random from the roster of certified assessors a  
26 panel numbering not less than 2 times the number of assessors

1 required. The parties shall augment the number by a factor of  
2 50% by designating assessors who may serve as alternates to the  
3 primary assessors.

4 The parties shall select assessors from the list or lists  
5 provided by the Office or from the panel obtained by the  
6 testing company as provided above. Within 7 days following the  
7 receipt of the list, the parties shall notify the Office of the  
8 assessors they have selected. Unless the parties agree on an  
9 alternate selection procedure, they shall alternatively strike  
10 names from the list provided by the Office until only the  
11 number of required assessors remain. A coin toss shall  
12 determine which party strikes the first name. If the parties  
13 fail to notify the Office in a timely manner of their selection  
14 of assessors, the Office shall appoint the assessors required  
15 from the roster of certified assessors. In the event an  
16 assessor is not able to participate in the assessment center  
17 process for which he was selected, either of the parties  
18 involved in the promotion process may request that additional  
19 names of certified assessors be provided by the Office.

20 (Source: P.A. 95-956, eff. 8-29-08.)

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