

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 35 as follows:

6 (50 ILCS 742/35)

7 Sec. 35. Written examinations.

8 (a) The appointing authority may not condition eligibility
9 to take the written examination on the candidate's score on any
10 of the previous components of the examination. The written
11 examination for a particular rank shall consist of matters
12 relating to the duties regularly performed by persons holding
13 that rank within the department. The examination shall be based
14 only on the contents of written materials that the appointing
15 authority has identified and made readily available to
16 potential examinees at least 90 days before the examination is
17 administered. The test questions and material must be pertinent
18 to the particular rank for which the examination is being
19 given. The written examination shall be administered after the
20 determination and posting of the seniority list, ascertained
21 merit points, and subjective evaluation scores. The written
22 examination shall be administered, the test materials opened,
23 and the results scored and tabulated.

1 (b) Written examinations shall be graded at the examination
2 site on the day of the examination immediately upon completion
3 of the test in front of the observers if such observers are
4 appointed under Section 25, or if the tests are graded offsite
5 by a bona fide testing agency, the observers shall witness the
6 sealing and the shipping of the tests for grading and the
7 subsequent opening of the scores upon the return from the
8 testing agency. Every examinee shall have the right (i) to
9 obtain his or her score on the examination on the day of the
10 examination or upon the day of its return from the testing
11 agency (or the appointing authority shall require the testing
12 agency to mail the individual scores to any address submitted
13 by the candidates on the day of the examination); and (ii) to
14 review the answers to the examination that the examiners
15 consider correct. The appointing authority may hold a review
16 session after the examination for the purpose of gathering
17 feedback on the examination from the candidates. The review
18 sessions shall be at no cost to the candidates.

19 (c) Sample written examinations may be examined by the
20 appointing authority and members of the department, but no
21 person in the department or the appointing authority (including
22 the Chief, Civil Service Commissioners, Board of Fire and
23 Police Commissioners, Board of Fire Commissioners, or Fire
24 Protection District Board of Trustees and other appointed or
25 elected officials) may see or examine the specific questions on
26 the actual written examination before the examination is

1 administered. If a sample examination is used, actual test
2 questions shall not be included. It is a violation of this Act
3 for any member of the department or the appointing authority to
4 obtain or divulge foreknowledge of the contents of the written
5 examination before it is administered.

6 (d) Each department shall maintain reading and study
7 materials for its current written examination and the reading
8 list for the last 2 written examinations or for a period of 5
9 years, whichever is less, for each rank and shall make these
10 materials available and accessible at each duty station.

11 (e) The provisions of this Section do not apply to the
12 extent that they are in conflict with provisions otherwise
13 agreed to in a collective bargaining agreement.

14 (Source: P.A. 93-411, eff. 8-4-03.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.