



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB4715

Introduced 2/3/2012, by Rep. Lisa M. Dugan

SYNOPSIS AS INTRODUCED:

65 ILCS 5/10-1-7 from Ch. 24, par. 10-1-7
65 ILCS 5/10-1-7.1
65 ILCS 5/10-1-7.2
65 ILCS 5/10-2.1-6.3
65 ILCS 5/10-2.1-6.4
70 ILCS 705/16.06b
70 ILCS 705/16.06c

Amends the Illinois Municipal Code and the Fire Protection District Act. In provisions concerning physical ability examinations, provides that the tests utilized to measure each applicant's capabilities may be tests based on industry standards currently in use or equivalent tests approved by the Joint Labor-Management Committee of the Office of the State Fire Marshal. Provides that a passing score on the written examination is one that is at or above the median (now, mean) score for all applicants. Sets forth requirements concerning preference points and placement on the final eligibility register. Makes other changes. Effective immediately.

LRB097 18844 KMW 64082 b

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, 10-1-7.1, 10-1-7.2, 10-2.1-6.3, and
6 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 11-1.50, 11-6, 11-7, 11-9, 11-14,

1 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2, 12-6, 12-15,
2 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6,
3 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8, subdivisions (a) (1) and
4 (a) (2) (C) of Section 11-14.3, and subsections (1), (6) and (8)
5 of Section 24-1 of the Criminal Code of 1961 or arrested for
6 any cause but not convicted on that cause shall be disqualified
7 from taking the examination on grounds of habits or moral
8 character, unless the person is attempting to qualify for a
9 position on the police department, in which case the conviction
10 or arrest may be considered as a factor in determining the
11 person's habits or moral character.

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

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

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

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

1 examinations are held.

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

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

26 (i) In municipalities of more than 5,000 but not more than

1 200,000 inhabitants, no person who has attained his or her 35th
2 birthday shall be eligible to take an examination for a
3 position as a fireman or a policeman unless the person has had
4 previous employment status as a policeman or fireman in the
5 regularly constituted police or fire department of the
6 municipality, except as provided in this Section.

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

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

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

1 comply with this limitation on periods of probationary
2 employment, which is a denial and limitation of home rule
3 powers. Notwithstanding anything to the contrary in this
4 Section, the probationary employment period limitation may be
5 extended for a firefighter who is required, as a condition of
6 employment, to be a certified paramedic, during which time the
7 sole reason that a firefighter may be discharged without a
8 hearing is for failing to meet the requirements for paramedic
9 certification.

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

13 (Source: P.A. 96-1551, eff. 7-1-11; 97-0251, eff. 8-4-11;
14 revised 9-15-11.)

15 (65 ILCS 5/10-1-7.1)

16 Sec. 10-1-7.1. Original appointments; full-time fire
17 department.

18 (a) Applicability. Unless a commission elects to follow the
19 provisions of Section 10-1-7.2, this Section shall apply to all
20 original appointments to an affected full-time fire
21 department. Existing registers of eligibles shall continue to
22 be valid until their expiration dates, or up to a maximum of 2
23 years after the effective date of this amendatory Act of the
24 97th General Assembly.

25 Notwithstanding any statute, ordinance, rule, or other law

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

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

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

23 Notwithstanding any other provision of this subsection
24 (a), this Section does not apply to a municipality with more
25 than 1,000,000 inhabitants.

26 (b) Original appointments. All original appointments made

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

7 Whenever an appointing authority authorizes action to hire
8 a person to perform the duties of a firefighter or to hire a
9 firefighter-paramedic to fill a position that is a new position
10 or vacancy due to resignation, discharge, promotion, death, the
11 granting of a disability or retirement pension, or any other
12 cause, the appointing authority shall appoint to that position
13 the person with the highest ranking on the final eligibility
14 list. If the appointing authority has reason to conclude that
15 the highest ranked person fails to meet the minimum standards
16 for the position or if the appointing authority believes an
17 alternate candidate would better serve the needs of the
18 department, then the appointing authority has the right to pass
19 over the highest ranked person and appoint either: (i) any
20 person who has a ranking in the top 5% of the register of
21 eligibles or (ii) any person who is among the top 5 highest
22 ranked persons on the list of eligibles if the number of people
23 who have a ranking in the top 5% of the register of eligibles
24 is less than 5 people.

25 Any candidate may pass on an appointment once without
26 losing his or her position on the register of eligibles. Any

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

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

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

1 protection district who are not routinely expected to perform
2 firefighter duties; and elected officials.

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

19 Residency requirements in effect at the time an individual
20 enters the fire service of a municipality cannot be made more
21 restrictive for that individual during his or her period of
22 service for that municipality, or be made a condition of
23 promotion, except for the rank or position of fire chief and
24 for no more than 2 positions that rank immediately below that
25 of the chief rank which are appointed positions pursuant to the
26 Fire Department Promotion Act.

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

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

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

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

22 No applicant shall be examined concerning his or her
23 political or religious opinions or affiliations. The
24 examinations shall be conducted by the commissioners of the
25 municipality or their designees and agents.

26 No municipality shall require that any firefighter

1 appointed to the lowest rank serve a probationary employment
2 period of longer than one year of actual active employment,
3 which may exclude periods of training, or injury or illness
4 leaves, including duty related leave, in excess of 30 calendar
5 days. Notwithstanding anything to the contrary in this Section,
6 the probationary employment period limitation may be extended
7 for a firefighter who is required, as a condition of
8 employment, to be a certified paramedic, during which time the
9 sole reason that a firefighter may be discharged without a
10 hearing is for failing to meet the requirements for paramedic
11 certification.

12 In the event that any applicant who has been found eligible
13 for appointment and whose name has been placed upon the final
14 eligibility register provided for in this Division 1 has not
15 been appointed to a firefighter position within one year after
16 the date of his or her physical ability examination, the
17 commission may cause a second examination to be made of that
18 applicant's physical ability prior to his or her appointment.
19 If, after the second examination, the physical ability of the
20 applicant shall be found to be less than the minimum standard
21 fixed by the rules of the commission, the applicant shall not
22 be appointed. The applicant's name may be retained upon the
23 register of candidates eligible for appointment and when next
24 reached for certification and appointment that applicant may be
25 again examined as provided in this Section, and if the physical
26 ability of that applicant is found to be less than the minimum

1 standard fixed by the rules of the commission, the applicant
2 shall not be appointed, and the name of the applicant shall be
3 removed from the register.

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

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

23 (e) Mental aptitude. No person who does not possess at
24 least a high school diploma or an equivalent high school
25 education shall be placed on a register of eligibles.
26 Examination of an applicant's mental aptitude shall be based

1 upon a written examination. The examination shall be practical
2 in character and relate to those matters that fairly test the
3 capacity of the persons examined to discharge the duties
4 performed by members of a fire department. Written examinations
5 shall be administered in a manner that ensures the security and
6 accuracy of the scores achieved.

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

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

1 to test both the candidate's speed and endurance in
2 performing tasks and evolutions. Tasks tested may be based
3 on standards developed, or approved, by the local
4 appointing authority.

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

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

13 The tests utilized to measure each applicant's
14 capabilities in each of these dimensions may be tests based on
15 industry standards currently in use or equivalent tests
16 approved by the Joint Labor-Management Committee of the Office
17 of the State Fire Marshal.

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

22 (g) Scoring of examination components. Appointing
23 authorities may create a preliminary eligibility register. A
24 person shall be placed on the list based upon his or her
25 passage of the written examination or the passage of the
26 written examination and the physical ability component.

1 Passage of the written examination means a score that is at or
2 above the median ~~mean~~ score for all applicants participating in
3 the written test. The appointing authority may conduct the
4 physical ability component and any subjective components
5 subsequent to the posting of the preliminary eligibility
6 register.

7 The examination components for an initial eligibility
8 register shall be graded on a 100-point scale. A person's
9 position on the list shall be determined by the following: (i)
10 the person's score on the written examination, (ii) the person
11 successfully passing the physical ability component, and (iii)
12 the person's results on any subjective component as described
13 in subsection (d).

14 In order to qualify for placement on the final eligibility
15 register, an applicant's ~~total~~ score on the written
16 examination, before any applicable preference points or
17 subjective points are applied, shall be at or above the median
18 ~~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 median ~~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 and who have passed the physical ability examination.
25 These persons shall take rank upon the register as candidates
26 in the order of their relative excellence based on the highest

1 to the lowest total points scored on the mental aptitude,
2 subjective component, and preference components of the test
3 administered in accordance with this Section. No more than 60
4 days after each examination, an initial eligibility list shall
5 be posted by the commission. The list shall include the final
6 grades of the candidates without reference to priority of the
7 time of examination and subject to claim for preference 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) may be preferred for appointment to and employment
16 with the fire department of an affected department
17 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, certified Firefighter III, State
21 of Illinois or nationally licensed EMT-B or EMT-I, licensed
22 paramedic, or any combination of those capacities may be
23 awarded up to a maximum of 5 points. However, the applicant
24 may not be awarded more than 0.5 points for each complete
25 year of paid-on-call or part-time service. Applicants from
26 outside the municipality who were employed as full-time

1 firefighters or firefighter-paramedics by a fire
2 protection district or another municipality may be awarded
3 up to 5 experience preference points. However, the
4 applicant may not be awarded more than one point for each
5 complete year of full-time service.

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

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 municipality or in the case of applicants from outside~~
3 ~~the municipality the governing body of any fire protection~~
4 ~~district or any other 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 Division, but never to exceed 60 days. No temporary
5 appointment of any one person shall be made more than twice in
6 any calendar year.

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

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

17 (Source: P.A. 97-251, eff. 8-4-11.)

18 (65 ILCS 5/10-1-7.2)

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

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

1 diversity and the highest quality.

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

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

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

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

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

6 Any person currently employed as a full-time member of
7 a fire department or any person who has experienced a
8 non-voluntary (and non-disciplinary) separation from the
9 active workforce due to a reduction in the number of
10 departmental officers, who was appointed pursuant to this
11 Division, Division 2.1 of Article 10 of the Illinois
12 Municipal Code, or the Fire Protection District Act, and
13 who during the previous 24 months participated in and
14 received a passing score on the physical ability and mental
15 aptitude components of the test may request that his or her
16 name be added to the master register. Any eligible person
17 may be offered employment by a local commission under the
18 same 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 publication at least 30 days
16 preceding the examination, in one or more newspapers published
17 in the region, or if no newspaper is published therein, then in
18 one or more newspapers with a general circulation within the
19 region. The JLMC may publish the notice on the JLMC's Internet
20 website. Additional notice of the examination may be given as
21 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 The tests utilized to measure each applicant's
3 capabilities in each of these dimensions may be tests based on
4 industry standards currently in use or equivalent tests
5 approved by the Joint Labor-Management Committee of the Office
6 of the State Fire Marshal.

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

14 Applicants who have achieved at least the median ~~mean~~ score
15 of all applicants participating in the written examination at
16 the same time, and who successfully pass the physical ability
17 examination shall be placed on the initial eligibility
18 register. Applicable preference points shall be added to the
19 written examination scores for all applicants who qualify for
20 the initial eligibility register. Applicants who score in the
21 top 70th percentile or higher, including any applicable
22 preference points ~~For placement on the final eligibility~~
23 ~~register, the passing score shall be determined by (i)~~
24 ~~calculating the mean score for all applicants participating in~~
25 ~~the written test; and (ii) adding 20% to the mean score.~~
26 ~~Applicants whose total scores, including any applicable~~

1 ~~preference points, are above the mean score plus 20%,~~ shall be
2 placed on the master register of eligibles by the JLMC.

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

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

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

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

1 waived. Once preference points are awarded, the candidates
2 shall be certified to the master register in accordance with
3 their final score including preference points.

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

25 (j) Selection from list. Any municipality or fire
26 protection district that is a party to an intergovernmental

1 agreement under the terms of which persons have been tested for
2 placement on the master register of eligibles shall be entitled
3 to offer employment to any person on the list irrespective of
4 their ranking on the list. The offer of employment shall be to
5 the position of firefighter apprentice or
6 firefighter-paramedic apprentice.

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

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

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

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

25 (k) A person who knowingly divulges or receives test
26 questions or answers before a written examination, or otherwise

1 knowingly violates or subverts any requirement of this Section,
2 commits a violation of this Section and may be subject to
3 charges for official misconduct.

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

9 (1) Applicability. This Section does not apply to a
10 municipality with more than 1,000,000 inhabitants.

11 (Source: P.A. 97-251, eff. 8-4-11.)

12 (65 ILCS 5/10-2.1-6.3)

13 Sec. 10-2.1-6.3. Original appointments; full-time fire
14 department.

15 (a) Applicability. Unless a commission elects to follow the
16 provisions of Section 10-2.1-6.4, this Section shall apply to
17 all original appointments to an affected full-time fire
18 department. Existing registers of eligibles shall continue to
19 be valid until their expiration dates, or up to a maximum of 2
20 years after the effective date of this amendatory Act of the
21 97th General Assembly.

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

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

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

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

20 Notwithstanding any other provision of this subsection
21 (a), this Section does not apply to a municipality with more
22 than 1,000,000 inhabitants.

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

1 the performance standards required by this Section shall be
2 placed on a register of eligibles for original appointment to
3 an affected fire department.

4 Whenever an appointing authority authorizes action to hire
5 a person to perform the duties of a firefighter or to hire a
6 firefighter-paramedic to fill a position that is a new position
7 or vacancy due to resignation, discharge, promotion, death, the
8 granting of a disability or retirement pension, or any other
9 cause, the appointing authority shall appoint to that position
10 the person with the highest ranking on the final eligibility
11 list. If the appointing authority has reason to conclude that
12 the highest ranked person fails to meet the minimum standards
13 for the position or if the appointing authority believes an
14 alternate candidate would better serve the needs of the
15 department, then the appointing authority has the right to pass
16 over the highest ranked person and appoint either: (i) any
17 person who has a ranking in the top 5% of the register of
18 eligibles or (ii) any person who is among the top 5 highest
19 ranked persons on the list of eligibles if the number of people
20 who have a ranking in the top 5% of the register of eligibles
21 is less than 5 people.

22 Any candidate may pass on an appointment once without
23 losing his or her position on the register of eligibles. Any
24 candidate who passes a second time may be removed from the list
25 by the appointing authority provided that such action shall not
26 prejudice a person's opportunities to participate in future

1 examinations, including an examination held during the time a
2 candidate is already on the municipality's register of
3 eligibles.

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

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

26 (c) Qualification for placement on register of eligibles.

1 The purpose of establishing a register of eligibles is to
2 identify applicants who possess and demonstrate the mental
3 aptitude and physical ability to perform the duties required of
4 members of the fire department in order to provide the highest
5 quality of service to the public. To this end, all applicants
6 for original appointment to an affected fire department shall
7 be subject to examination and testing which shall be public,
8 competitive, and open to all applicants unless the municipality
9 shall by ordinance limit applicants to residents of the
10 municipality, county or counties in which the municipality is
11 located, State, or nation. Municipalities may establish
12 educational, emergency medical service licensure, and other
13 pre-requisites for participation in an examination or for hire
14 as a firefighter. Any municipality may charge a fee to cover
15 the costs of the application process.

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

24 No person who is 35 years of age or older shall be eligible
25 to take an examination for a position as a firefighter unless
26 the person has had previous employment status as a firefighter

1 in the regularly constituted fire department of the
2 municipality, except as provided in this Section. The age
3 limitation does not apply to:

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

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

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

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

23 No municipality shall require that any firefighter
24 appointed to the lowest rank serve a probationary employment
25 period of longer than one year of actual active employment,
26 which may exclude periods of training, or injury or illness

1 leaves, including duty related leave, in excess of 30 calendar
2 days. Notwithstanding anything to the contrary in this Section,
3 the probationary employment period limitation may be extended
4 for a firefighter who is required, as a condition of
5 employment, to be a certified paramedic, during which time the
6 sole reason that a firefighter may be discharged without a
7 hearing is for failing to meet the requirements for paramedic
8 certification.

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

1 (d) Notice, examination, and testing components. Notice of
2 the time, place, general scope, merit criteria for any
3 subjective component, and fee of every examination shall be
4 given by the commission, by a publication at least 2 weeks
5 preceding the examination: (i) in one or more newspapers
6 published in the municipality, or if no newspaper is published
7 therein, then in one or more newspapers with a general
8 circulation within the municipality, or (ii) on the
9 municipality's Internet website. Additional notice of the
10 examination may be given as the commission shall prescribe.

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

20 (e) Mental aptitude. No person who does not possess at
21 least a high school diploma or an equivalent high school
22 education shall be placed on a register of eligibles.
23 Examination of an applicant's mental aptitude shall be based
24 upon a written examination. The examination shall be practical
25 in character and relate to those matters that fairly test the
26 capacity of the persons examined to discharge the duties

1 performed by members of a fire department. Written examinations
2 shall be administered in a manner that ensures the security and
3 accuracy of the scores achieved.

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

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

1 appointing authority.

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

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

10 The tests utilized to measure each applicant's
11 capabilities in each of these dimensions may be tests based on
12 industry standards currently in use or equivalent tests
13 approved by the Joint Labor-Management Committee of the Office
14 of the State Fire Marshal.

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. Appointing
20 authorities may create a preliminary eligibility register. A
21 person shall be placed on the list based upon his or her
22 passage of the written examination or the passage of the
23 written examination and the physical ability component.
24 Passage of the written examination means a score that is at or
25 above the median ~~mean~~ score for all applicants participating in
26 the written test. The appointing authority may conduct the

1 physical ability component and any subjective components
2 subsequent to the posting of the preliminary eligibility
3 register.

4 The examination components for an initial eligibility
5 register shall be graded on a 100-point scale. A person's
6 position on the list shall be determined by the following: (i)
7 the person's score on the written examination, (ii) the person
8 successfully passing the physical ability component, and (iii)
9 the person's results on any subjective component as described
10 in subsection (d).

11 In order to qualify for placement on the final eligibility
12 register, an applicant's ~~total~~ score on the written
13 examination, before any applicable preference points or
14 subjective points are applied, shall be at or above the median
15 ~~mean~~ score ~~plus 10%~~. The local appointing authority may
16 prescribe the score to qualify for placement on the final
17 eligibility register, but the score shall not be less than the
18 median ~~mean~~ score ~~plus 10%~~.

19 The commission shall prepare and keep a register of persons
20 whose total score is not less than the minimum fixed by this
21 Section and who have passed the physical ability examination.
22 These persons shall take rank upon the register as candidates
23 in the order of their relative excellence based on the highest
24 to the lowest total points scored on the mental aptitude,
25 subjective component, and preference components of the test
26 administered in accordance with this Section. No more than 60

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

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

14 (h) Preferences. The following are preferences:

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

23 (2) Fire cadet preference. Persons who have
24 successfully completed 2 years of study in fire techniques
25 or cadet training within a cadet program established under
26 the rules of the Joint Labor and Management Committee

1 (JLMC), as defined in Section 50 of the Fire Department
2 Promotion Act, may be preferred for appointment to and
3 employment with the fire department.

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

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

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

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

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

26 (6) Residency preference. Applicants whose principal

1 residence is located within the fire department's
2 jurisdiction shall be preferred for appointment to and
3 employment with the fire department.

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

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

25 (8) Scoring of preferences. The commission shall give
26 preference for original appointment to persons designated

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

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

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

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

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

25 (i) Moral character. No person shall be appointed to a fire
26 department unless he or she is a person of good character; not

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

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

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

1 in State files as is necessary to fulfill the request.

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

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

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

20 (Source: P.A. 97-251, eff. 8-4-11.)

21 (65 ILCS 5/10-2.1-6.4)

22 Sec. 10-2.1-6.4. Alternative procedure; original
23 appointment; full-time firefighter.

24 (a) Authority. The Joint Labor and Management Committee
25 (JLMC), as defined in Section 50 of the Fire Department

1 Promotion Act, may establish a community outreach program to
2 market the profession of firefighter and firefighter-paramedic
3 so as to ensure the pool of applicants recruited is of broad
4 diversity and the highest quality.

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

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

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

26 Qualified candidates shall be listed on the master

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

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

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

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

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

26 (d) Examination and testing components for placement on

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

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

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

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

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

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

6 The tests utilized to measure each applicant's
7 capabilities in each of these dimensions may be tests based on
8 industry standards currently in use or equivalent tests
9 approved by the Joint Labor-Management Committee of the Office
10 of the State Fire Marshal.

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

18 Applicants who have achieved at least the median ~~mean~~ score
19 of all applicants participating in the written examination at
20 the same time, and who successfully pass the physical ability
21 examination shall be placed on the initial eligibility
22 register. Applicable preference points shall be added to the
23 written examination scores for all applicants who qualify for
24 the initial eligibility register. Applicants who score in the
25 top 70th percentile or higher, including any applicable
26 preference points ~~For placement on the final eligibility~~

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

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

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

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

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

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

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

1 performed after a conditional offer of employment has been
2 extended.

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

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

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

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

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

1 apprentice), the local commission shall issue the apprentice a
2 certificate of original appointment to the fire department.

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

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

13 (l) Applicability. This Section does not apply to a
14 municipality with more than 1,000,000 inhabitants.

15 (Source: P.A. 97-251, eff. 8-4-11.)

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

18 (70 ILCS 705/16.06b)

19 Sec. 16.06b. Original appointments; full-time fire
20 department.

21 (a) Applicability. Unless a commission elects to follow the
22 provisions of Section 16.06c, this Section shall apply to all
23 original appointments to an affected full-time fire
24 department. Existing registers of eligibles shall continue to

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

4 Notwithstanding any statute, ordinance, rule, or other law
5 to the contrary, all original appointments to an affected
6 department to which this Section applies shall be administered
7 in a no less stringent manner than the manner provided for in
8 this Section. Provisions of the Illinois Municipal Code, Fire
9 Protection District Act, fire district ordinances, and rules
10 adopted pursuant to such authority and other laws relating to
11 initial hiring of firefighters in affected departments shall
12 continue to apply to the extent they are compatible with this
13 Section, but in the event of a conflict between this Section
14 and any other law, this Section shall control.

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

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

1 affected fire department.

2 Whenever an appointing authority authorizes action to hire
3 a person to perform the duties of a firefighter or to hire a
4 firefighter-paramedic to fill a position that is a new position
5 or vacancy due to resignation, discharge, promotion, death, the
6 granting of a disability or retirement pension, or any other
7 cause, the appointing authority shall appoint to that position
8 the person with the highest ranking on the final eligibility
9 list. If the appointing authority has reason to conclude that
10 the highest ranked person fails to meet the minimum standards
11 for the position or if the appointing authority believes an
12 alternate candidate would better serve the needs of the
13 department, then the appointing authority has the right to pass
14 over the highest ranked person and appoint either: (i) any
15 person who has a ranking in the top 5% of the register of
16 eligibles or (ii) any person who is among the top 5 highest
17 ranked persons on the list of eligibles if the number of people
18 who have a ranking in the top 5% of the register of eligibles
19 is less than 5 people.

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

1 eligibles.

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

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 (c) Qualification for placement on register of eligibles.
26 The purpose of establishing a register of eligibles is to

1 identify applicants who possess and demonstrate the mental
2 aptitude and physical ability to perform the duties required of
3 members of the fire department in order to provide the highest
4 quality of service to the public. To this end, all applicants
5 for original appointment to an affected fire department shall
6 be subject to examination and testing which shall be public,
7 competitive, and open to all applicants unless the district
8 shall by ordinance limit applicants to residents of the
9 district, county or counties in which the district is located,
10 State, or nation. Districts may establish educational,
11 emergency medical service licensure, and other pre-requisites
12 for participation in an examination or for hire as a
13 firefighter. Any fire protection district may charge a fee to
14 cover the costs of the application process.

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

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

1 except as provided in this Section. The age limitation does not
2 apply to:

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

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

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

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

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

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

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

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

1 subjective component, and fee of every examination shall be
2 given by the commission, by a publication at least 2 weeks
3 preceding the examination: (i) in one or more newspapers
4 published in the district, or if no newspaper is published
5 therein, then in one or more newspapers with a general
6 circulation within the district, or (ii) on the fire protection
7 district's Internet website. Additional notice of the
8 examination may be given as the commission shall prescribe.

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

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

1 accuracy of the scores achieved.

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

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

26 (2) The ability to climb ladders, operate from heights,

1 walk or crawl in the dark along narrow and uneven surfaces,
2 and operate in proximity to hazardous environments.

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

8 The tests utilized to measure each applicant's
9 capabilities in each of these dimensions may be tests based on
10 industry standards currently in use or equivalent tests
11 approved by the Joint Labor-Management Committee of the Office
12 of the State Fire Marshal.

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

17 (g) Scoring of examination components. Appointing
18 authorities may create a preliminary eligibility register. A
19 person shall be placed on the list based upon his or her
20 passage of the written examination or the passage of the
21 written examination and the physical ability component.
22 Passage of the written examination means a score that is at or
23 above the median ~~mean~~ score for all applicants participating in
24 the written test. The appointing authority may conduct the
25 physical ability component and any subjective components
26 subsequent to the posting of the preliminary eligibility

1 register.

2 The examination components for an initial eligibility
3 register 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, and (iii)
7 the person's results on any subjective component as described
8 in subsection (d).

9 In order to qualify for placement on the final eligibility
10 register, an applicant's ~~total~~ score on the written
11 examination, before any applicable preference points or
12 subjective points are applied, shall be at or above the median
13 ~~mean~~ score ~~plus 10%~~. The local appointing authority may
14 prescribe the score to qualify for placement on the final
15 eligibility register, but the score shall not be less than the
16 median ~~mean~~ score ~~plus 10%~~.

17 The commission shall prepare and keep a register of persons
18 whose total score is not less than the minimum fixed by this
19 Section and who have passed the physical ability examination.
20 These persons shall take rank upon the register as candidates
21 in the order of their relative excellence based on the highest
22 to the lowest total points scored on the mental aptitude,
23 subjective component, and preference components of the test
24 administered in accordance with this Section. No more than 60
25 days after each examination, an initial eligibility list shall
26 be posted by the commission. The list shall include the final

1 grades of the candidates without reference to priority of the
2 time of examination and subject to claim for preference credit.

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

12 (h) Preferences. The following are preferences:

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

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

1 employment with the fire department.

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

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

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

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

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

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

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

(8) Scoring of preferences. The commission shall give preference for original appointment to persons designated in item (1) by adding to the final grade that they receive 5 points for the recognized preference achieved. The commission shall determine the number of preference points for each category except (1). The number of preference points for each category shall range from 0 to 5. In determining the number of preference points, the commission shall prescribe that if a candidate earns the maximum number of preference points in all categories, that

1 number may not be less than 10 nor more than 30. The
2 commission shall give preference for original appointment
3 to persons designated in items (2) through (7) by adding
4 the requisite number of points to the final grade for each
5 recognized preference achieved. The numerical result thus
6 attained shall be applied by the commission in determining
7 the final eligibility list and appointment from the
8 eligibility list. The local appointing authority may
9 prescribe the total number of preference points awarded
10 under this Section, but the total number of preference
11 points shall not be less than 10 points or more than 30
12 points.

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

1 but not limited to, criminal history, employment history, moral
2 character, oral examination, and medical and psychological
3 examinations, all on a pass-fail basis. The medical and
4 psychological examinations must be conducted last, and may only
5 be performed after a conditional offer of employment has been
6 extended.

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

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

17 (i) Moral character. No person shall be appointed to a fire
18 department unless he or she is a person of good character; not
19 a habitual drunkard, a gambler, or a person who has been
20 convicted of a felony or a crime involving moral turpitude.
21 However, no person shall be disqualified from appointment to
22 the fire department because of the person's record of
23 misdemeanor convictions except those under Sections 11-6,
24 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,
25 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,
26 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and subsections

1 1, 6, and 8 of Section 24-1 of the Criminal Code of 1961 or
2 arrest for any cause without conviction thereon. Any such
3 person who is in the department may be removed on charges
4 brought for violating this subsection and after a trial as
5 hereinafter provided.

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

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

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

1 any calendar year.

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 (Source: P.A. 97-251, eff. 8-4-11.)

13 (70 ILCS 705/16.06c)

14 Sec. 16.06c. Alternative procedure; original appointment;
15 full-time firefighter.

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

22 For the purposes of this Section, "firefighter" means any
23 person who has been prior to, on, or after the effective date
24 of this amendatory Act of the 97th General Assembly appointed
25 to a fire department or fire protection district or employed by

1 a State university and sworn or commissioned to perform
2 firefighter duties or paramedic duties, or both, except that
3 the following persons are not included: part-time
4 firefighters; auxiliary, reserve, or voluntary firefighters,
5 including paid-on-call firefighters; clerks and dispatchers or
6 other civilian employees of a fire department or fire
7 protection district who are not routinely expected to perform
8 firefighter duties; and elected officials.

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

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

18 Qualified candidates shall be listed on the master
19 register of eligibles in highest to lowest rank order based
20 upon their test scores without regard to their date of
21 examination. Candidates listed on the master register of
22 eligibles shall be eligible for appointment for 2 years
23 after the date of the certification of their final score on
24 the register without regard to the date of their
25 examination. After 2 years, the candidate's name shall be
26 struck from the list.

1 Any person currently employed as a full-time member of
2 a fire department or any person who has experienced a
3 non-voluntary (and non-disciplinary) separation from the
4 active workforce due to a reduction in the number of
5 departmental officers, who was appointed pursuant to
6 Division 1 of Article 10 of the Illinois Municipal Code,
7 Division 2.1 of Article 10 of the Illinois Municipal Code,
8 or the Fire Protection District Act, and who during the
9 previous 24 months participated in and received a passing
10 score on the physical ability and mental aptitude
11 components of the test may request that his or her name be
12 added to the master register. Any eligible person may be
13 offered employment by a local commission under the same
14 procedures as provided by this Section except that the
15 apprenticeship period may be waived and the applicant may
16 be immediately issued a certificate of original
17 appointment by the local commission.

18 (c) Qualifications for placement on register of eligibles.
19 The purpose for establishing a master register of eligibles
20 shall be to identify applicants who possess and demonstrate the
21 mental aptitude and physical ability to perform the duties
22 required of members of the fire department in order to provide
23 the highest quality of service to the public. To this end, all
24 applicants for original appointment to an affected fire
25 department through examination conducted by the Joint Labor and
26 Management Committee (JLMC) shall be subject to examination and

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

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

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

1 health shall be administered on a pass-fail basis after a
2 conditional offer of employment is made by a local commission.

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

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

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

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

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 The tests utilized to measure each applicant's
25 capabilities in each of these dimensions may be tests based on
26 industry standards currently in use or equivalent tests

1 approved by the Joint Labor-Management Committee of the Office
2 of the State Fire Marshal.

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

10 Applicants who have achieved at least the median ~~mean~~ score
11 of all applicants participating in the written examination at
12 the same time, and who successfully pass the physical ability
13 examination shall be placed on the initial eligibility
14 register. Applicable preference points shall be added to the
15 written examination scores for all applicants who qualify for
16 the initial eligibility register. Applicants who score in the
17 top 70th percentile or higher, including any applicable
18 preference points ~~For placement on the final eligibility~~
19 ~~register, the passing score shall be determined by (i)~~
20 ~~calculating the mean score for all applicants participating in~~
21 ~~the written test; and (ii) adding 20% to the mean score.~~
22 ~~Applicants whose total scores, including any applicable~~
23 ~~preference points, are above the mean score plus 20%, shall be~~
24 placed on the master register of eligibles by the JLMC.

25 These persons shall take rank upon the register as
26 candidates in the order of their relative excellence based on

1 the highest to the lowest total points scored on the mental
2 aptitude and physical ability components, plus any applicable
3 preference points requested and verified by the JLMC, or
4 approved testing agency.

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

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

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

26 (i) Firefighter apprentice and firefighter-paramedic

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

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

1 the position of firefighter apprentice or
2 firefighter-paramedic apprentice.

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

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

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

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

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

26 A person who is the knowing recipient of test information

1 in advance of the examination shall be disqualified from the
2 examination or discharged from the position to which he or she
3 was appointed, as applicable, and otherwise subjected to
4 disciplinary actions.

5 (Source: P.A. 97-251, eff. 8-4-11.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.