

1 AN ACT concerning local government.

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

4 Section 5. The Fire Protection District Act is amended by  
5 changing Section 16.06b as follows:

6 (70 ILCS 705/16.06b)

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

9 (a) Applicability. Unless a commission elects to follow the  
10 provisions of Section 16.06c, this Section shall apply to all  
11 original appointments to an affected full-time fire  
12 department. Existing registers of eligibles shall continue to  
13 be valid until their expiration dates, or up to a maximum of 2  
14 years after the effective date of this amendatory Act of the  
15 97th General Assembly.

16 Notwithstanding any statute, ordinance, rule, or other law  
17 to the contrary, all original appointments to an affected  
18 department to which this Section applies shall be administered  
19 in a no less stringent manner than the manner provided for in  
20 this Section. Provisions of the Illinois Municipal Code, Fire  
21 Protection District Act, fire district ordinances, and rules  
22 adopted pursuant to such authority and other laws relating to  
23 initial hiring of firefighters in affected departments shall

1 continue to apply to the extent they are compatible with this  
2 Section, but in the event of a conflict between this Section  
3 and any other law, this Section shall control.

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

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

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

1 alternate candidate would better serve the needs of the  
2 department, then the appointing authority has the right to pass  
3 over the highest ranked person and appoint either: (i) any  
4 person who has a ranking in the top 5% of the register of  
5 eligibles or (ii) any person who is among the top 5 highest  
6 ranked persons on the list of eligibles if the number of people  
7 who have a ranking in the top 5% of the register of eligibles  
8 is less than 5 people.

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

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

1 as a regular member of the fire department.

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

1 for participation in an examination or for hire as a  
2 firefighter. Any fire protection district may charge a fee to  
3 cover the costs of the application process.

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

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

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

26 (2) any person who has served a fire district as a

1 regularly enrolled volunteer, paid-on-call, or part-time  
2 firefighter for the 5 years immediately preceding the time  
3 that the district begins to use full-time firefighters to  
4 provide all or part of its fire protection service; or -

5 (3) any person who turned 35 while serving as a member  
6 of the active or reserve components of any of the branches  
7 of the Armed Forces of the United States or the National  
8 Guard of any state, whose service was characterized as  
9 honorable or under honorable, if separated from the  
10 military, and is currently under the age of 40.

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

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

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

1 failing to meet the requirements for paramedic certification.

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

20 (d) Notice, examination, and testing components. Notice of  
21 the time, place, general scope, merit criteria for any  
22 subjective component, and fee of every examination shall be  
23 given by the commission, by a publication at least 2 weeks  
24 preceding the examination: (i) in one or more newspapers  
25 published in the district, or if no newspaper is published  
26 therein, then in one or more newspapers with a general

1 circulation within the district, or (ii) on the fire protection  
2 district's Internet website. Additional notice of the  
3 examination may be given as the commission shall prescribe.

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

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

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 the following  
10 dimensions:

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

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

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

1           The tests utilized to measure each applicant's  
2 capabilities in each of these dimensions may be tests based on  
3 industry standards currently in use or equivalent tests  
4 approved by the Joint Labor-Management Committee of the Office  
5 of the State Fire Marshal.

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

10          (g) Scoring of examination components. Appointing  
11 authorities may create a preliminary eligibility register. A  
12 person shall be placed on the list based upon his or her  
13 passage of the written examination or the passage of the  
14 written examination and the physical ability component.  
15 Passage of the written examination means a score that is at or  
16 above the median score for all applicants participating in the  
17 written test. The appointing authority may conduct the physical  
18 ability component and any subjective components subsequent to  
19 the posting of the preliminary eligibility register.

20          The examination components for an initial eligibility  
21 register shall be graded on a 100-point scale. A person's  
22 position on the list shall be determined by the following: (i)  
23 the person's score on the written examination, (ii) the person  
24 successfully passing the physical ability component, and (iii)  
25 the person's results on any subjective component as described  
26 in subsection (d).

1           In order to qualify for placement on the final eligibility  
2 register, an applicant's score on the written examination,  
3 before any applicable preference points or subjective points  
4 are applied, shall be at or above the median score. The local  
5 appointing authority may prescribe the score to qualify for  
6 placement on the final eligibility register, but the score  
7 shall not be less than the median score.

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

20           Commissions may conduct additional examinations, including  
21 without limitation a polygraph test, after a final eligibility  
22 register is established and before it expires with the  
23 candidates ranked by total score without regard to date of  
24 examination. No more than 60 days after each examination, an  
25 initial eligibility list shall be posted by the commission  
26 showing the final grades of the candidates without reference to

1 priority of time of examination and subject to claim for  
2 preference credit.

3 (h) Preferences. The following are preferences:

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

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

19 (3) Educational preference. Persons who have  
20 successfully obtained an associate's degree in the field of  
21 fire service or emergency medical services, or a bachelor's  
22 degree from an accredited college or university may be  
23 preferred for appointment to and employment with the fire  
24 department.

25 (4) Paramedic preference. Persons who have obtained  
26 certification as an Emergency Medical Technician-Paramedic

1 (EMT-P) may be preferred for appointment to and employment  
2 with the fire department of an affected department  
3 providing emergency medical services.

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

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

1       veteran on the eligibility list. If more than one candidate  
2       receiving experience preference points is prevented from  
3       receiving all of their points due to not being allowed to  
4       pass a veteran, the candidates shall be placed on the list  
5       below the veteran in rank order based on the totals  
6       received if all points under this subsection were to be  
7       awarded. Any remaining ties on the list shall be determined  
8       by lot.

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

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

17      (8) Scoring of preferences. The commission shall give  
18      preference for original appointment to persons designated  
19      in item (1) by adding to the final grade that they receive  
20      5 points for the recognized preference achieved. The  
21      commission shall determine the number of preference points  
22      for each category except (1). The number of preference  
23      points for each category shall range from 0 to 5. In  
24      determining the number of preference points, the  
25      commission shall prescribe that if a candidate earns the  
26      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 the  
2 Criminal Code of 2012, or arrest for any cause without  
3 conviction thereon. Any such person who is in the department  
4 may be removed on charges brought for violating this subsection  
5 and after a trial as 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; 97-898, eff. 8-6-12;  
13 97-1150, eff. 1-25-13.)

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