



Sen. Daniel Biss

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LRB098 16310 JLK 56722 a

1 AMENDMENT TO SENATE BILL 2826

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2826 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Municipal Code is amended by  
5 changing Sections 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 5/10-1-7.1)

8 Sec. 10-1-7.1. Original appointments; full-time fire  
9 department.

10 (a) Applicability. Unless a commission elects to follow the  
11 provisions of Section 10-1-7.2, this Section shall apply to all  
12 original appointments to an affected full-time fire  
13 department. Existing registers of eligibles shall continue to  
14 be valid until their expiration dates, or up to a maximum of 2  
15 years after the effective date of this amendatory Act of the  
16 97th General Assembly.

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

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

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

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

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

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

26 Any candidate may pass on an appointment once without

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

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

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

1 other civilian employees of a fire department or fire  
2 protection district who are not routinely expected to perform  
3 firefighter duties; and elected officials.

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

24 Residency requirements in effect at the time an individual  
25 enters the fire service of a municipality cannot be made more  
26 restrictive for that individual during his or her period of

1 service for that municipality, or be made a condition of  
2 promotion, except for the rank or position of fire chief and  
3 for no more than 2 positions that rank immediately below that  
4 of the chief rank which are appointed positions pursuant to the  
5 Fire Department Promotion Act.

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

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

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

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

1           No applicant shall be examined concerning his or her  
2 political or religious opinions or affiliations. The  
3 examinations shall be conducted by the commissioners of the  
4 municipality or their designees and agents.

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

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

1 be appointed. The applicant's name may be retained upon the  
2 register of candidates eligible for appointment and when next  
3 reached for certification and appointment that applicant may be  
4 again examined as provided in this Section, and if the physical  
5 ability of that applicant is found to be less than the minimum  
6 standard fixed by the rules of the commission, the applicant  
7 shall not be appointed, and the name of the applicant shall be  
8 removed from the register.

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

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



1 available to the public.

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

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

26 (1) Muscular strength to perform tasks and evolutions

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

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

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

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

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

25 (g) Scoring of examination components. Appointing  
26 authorities may create a preliminary eligibility register. A

1 person shall be placed on the list based upon his or her  
2 passage of the written examination or the passage of the  
3 written examination and the physical ability component.  
4 Passage of the written examination means attaining the minimum  
5 score set by the commission ~~a score that is at or above the~~  
6 ~~median score for all applicants participating in the written~~  
7 ~~test.~~ Minimum scores should be set by the commission so as to  
8 demonstrate a candidate's ability to perform the essential  
9 functions of the job. The minimum score set by the commission  
10 shall be supported by appropriate validation evidence and shall  
11 comply with all applicable state and federal laws. The  
12 appointing authority may conduct the physical ability  
13 component and any subjective components subsequent to the  
14 posting of the preliminary eligibility register.

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

22 In order to qualify for placement on the final eligibility  
23 register, an applicant's score on the written examination,  
24 before any applicable preference points or subjective points  
25 are applied, shall be at or above the minimum score set by the  
26 commission ~~be at or above the median score.~~ The local

1 appointing authority may prescribe the score to qualify for  
2 placement on the final eligibility register, but the score  
3 shall not be less than the minimum score set by the commission  
4 ~~median score~~.

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

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

1 (h) Preferences. The following are preferences:

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

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

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

23 (4) Paramedic preference. Persons who have obtained  
24 certification as an Emergency Medical Technician-Paramedic  
25 (EMT-P) may be preferred for appointment to and employment  
26 with the fire department of an affected department

1 providing emergency medical services.

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

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

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

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

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

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

1 to persons designated in items (2) through (7) by adding  
2 the requisite number of points to the final grade for each  
3 recognized preference achieved. The numerical result thus  
4 attained shall be applied by the commission in determining  
5 the final eligibility list and appointment from the  
6 eligibility list. The local appointing authority may  
7 prescribe the total number of preference points awarded  
8 under this Section, but the total number of preference  
9 points shall not be less than 10 points or more than 30  
10 points.

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



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

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

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

15 (i) Moral character. No person shall be appointed to a fire  
16 department unless he or she is a person of good character; not  
17 a habitual drunkard, a gambler, or a person who has been  
18 convicted of a felony or a crime involving moral turpitude.  
19 However, no person shall be disqualified from appointment to  
20 the fire department because of the person's record of  
21 misdemeanor convictions except those under Sections 11-6,  
22 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,  
23 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,  
24 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and subsections  
25 1, 6, and 8 of Section 24-1 of the Criminal Code of 1961 or the  
26 Criminal Code of 2012, or arrest for any cause without

1 conviction thereon. Any such person who is in the department  
2 may be removed on charges brought for violating this subsection  
3 and after a trial as hereinafter provided.

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

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

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

26 (k) A person who knowingly divulges or receives test

1 questions or answers before a written examination, or otherwise  
2 knowingly violates or subverts any requirement of this Section,  
3 commits a violation of this Section and may be subject to  
4 charges for official misconduct.

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

10 (Source: P.A. 97-251, eff. 8-4-11; 97-898, eff. 8-6-12;  
11 97-1150, eff. 1-25-13.)

12 (65 ILCS 5/10-1-7.2)

13 Sec. 10-1-7.2. Alternative procedure; original  
14 appointment; full-time firefighter.

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

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

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

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

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

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

26 Any person currently employed as a full-time member of

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

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

1 under subsection (e) of this Section shall be supported by  
2 appropriate validation evidence and shall comply with all  
3 applicable state and federal laws. Any subjective component of  
4 the testing must be administered by certified assessors. All  
5 qualifying and disqualifying factors applicable to examination  
6 processes for local commissions in this amendatory Act of the  
7 97th General Assembly shall be applicable to persons  
8 participating in Joint Labor and Management Committee  
9 examinations unless specifically provided otherwise in this  
10 Section.

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

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

1 and placement on the master register of eligibles. The  
2 consideration of an applicant's general moral character and  
3 health shall be administered on a pass-fail basis after a  
4 conditional offer of employment is made by a local commission.

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

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

1 called upon to perform in response to emergency calls. The  
2 frequency of the occurrence of those duties as part of the fire  
3 department's regular routine shall not be a controlling factor  
4 in the design of examination criteria or evolutions selected  
5 for testing. These physical examinations shall be open,  
6 competitive, and based on industry standards designed to test  
7 each applicant's physical abilities in each of the following  
8 dimensions:

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 minimum median  
11 score on ~~of all applicants participating in~~ the written  
12 examination, as set by the JLMC at the same time, and who  
13 successfully pass the physical ability examination shall be  
14 placed on the initial eligibility register. Minimum scores  
15 should be set by the JLMC so as to demonstrate a candidate's  
16 ability to perform the essential functions of the job. The  
17 minimum score set by the JLMC shall be supported by appropriate  
18 validation evidence and shall comply with all applicable state  
19 and federal laws. Applicable preference points shall be added  
20 to the written examination scores for all applicants who  
21 qualify for the initial eligibility register. Applicants who  
22 score at or above the minimum passing score as set by the JLMC  
23 ~~in the top 70th percentile or higher,~~ including any applicable  
24 preference points, shall be placed on the master register of  
25 eligibles by the JLMC.

26 These persons shall take rank upon the register as

1 candidates in the order of their relative excellence based on  
2 the highest to the lowest total points scored on the mental  
3 aptitude and physical ability components, plus any applicable  
4 preference points requested and verified by the JLMC, or  
5 approved testing agency.

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

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

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

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

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

1 their ranking on the list. The offer of employment shall be to  
2 the position of firefighter apprentice or  
3 firefighter-paramedic apprentice.

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

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

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

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

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

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

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

8           (Source: P.A. 97-251, eff. 8-4-11; 97-898, eff. 8-6-12.)

9           (65 ILCS 5/10-2.1-6.3)

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

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

19          Notwithstanding any statute, ordinance, rule, or other law  
20 to the contrary, all original appointments to an affected  
21 department to which this Section applies shall be administered  
22 in the manner provided for in this Section. Provisions of the  
23 Illinois Municipal Code, municipal ordinances, and rules  
24 adopted pursuant to such authority and other laws relating to  
25 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 home rule or non-home rule municipality may not  
5 administer its fire department process for original  
6 appointments in a manner that is less stringent than this  
7 Section. This Section is a limitation under subsection (i) of  
8 Section 6 of Article VII of the Illinois Constitution on the  
9 concurrent exercise by home rule units of the powers and  
10 functions exercised by the State.

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

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

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

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

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



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

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

23           (c) Qualification for placement on register of eligibles.  
24 The purpose of establishing a register of eligibles is to  
25 identify applicants who possess and demonstrate the mental  
26 aptitude and physical ability to perform the duties required of

1 members of the fire department in order to provide the highest  
2 quality of service to the public. To this end, all applicants  
3 for original appointment to an affected fire department shall  
4 be subject to examination and testing which shall be public,  
5 competitive, and open to all applicants unless the municipality  
6 shall by ordinance limit applicants to residents of the  
7 municipality, county or counties in which the municipality is  
8 located, State, or nation. Any examination and testing  
9 procedure utilized under subsection (e) of this Section shall  
10 be supported by appropriate validation evidence and shall  
11 comply with all applicable state and federal laws.

12 Municipalities may establish educational, emergency medical  
13 service licensure, and other pre-requisites for participation  
14 in an examination or for hire as a firefighter. Any  
15 municipality may charge a fee to cover the costs of the  
16 application process.

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

25 No person who is 35 years of age or older shall be eligible  
26 to take an examination for a position as a firefighter unless

1 the person has had previous employment status as a firefighter  
2 in the regularly constituted fire department of the  
3 municipality, except as provided in this Section. The age  
4 limitation does not apply to:

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

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

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

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

24 No municipality shall require that any firefighter  
25 appointed to the lowest rank serve a probationary employment  
26 period of longer than one year of actual active employment,

1 which may exclude periods of training, or injury or illness  
2 leaves, including duty related leave, in excess of 30 calendar  
3 days. Notwithstanding anything to the contrary in this Section,  
4 the probationary employment period limitation may be extended  
5 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 In the event that any applicant who has been found eligible  
11 for appointment and whose name has been placed upon the final  
12 eligibility register provided for in this Section has not been  
13 appointed to a firefighter position within one year after the  
14 date of his or her physical ability examination, the commission  
15 may cause a second examination to be made of that applicant's  
16 physical ability prior to his or her appointment. If, after the  
17 second examination, the physical ability of the applicant shall  
18 be found to be less than the minimum standard fixed by the  
19 rules of the commission, the applicant shall not be appointed.  
20 The applicant's name may be retained upon the register of  
21 candidates eligible for appointment and when next reached for  
22 certification and appointment that applicant may be again  
23 examined as provided in this Section, and if the physical  
24 ability of that applicant is found to be less than the minimum  
25 standard fixed by the rules of the commission, the applicant  
26 shall not be appointed, and the name of the applicant shall be

1 removed from the register.

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

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

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

1 capacity of the persons examined to discharge the duties  
2 performed by members of a fire department. Written examinations  
3 shall be administered in a manner that ensures the security and  
4 accuracy of the scores achieved.

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

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

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

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

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

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

18          (g) Scoring of examination components. Appointing  
19          authorities may create a preliminary eligibility register. A  
20          person shall be placed on the list based upon his or her  
21          passage of the written examination or the passage of the  
22          written examination and the physical ability component.  
23          Passage of the written examination means attaining the minimum  
24          score set by the commission ~~a score that is at or above the~~  
25          ~~median score for all applicants participating in the written~~  
26          ~~test.~~ Minimum scores should be set by the commission so as to

1 demonstrate a candidate's ability to perform the essential  
2 functions of the job. The minimum score set by the commission  
3 shall be supported by appropriate validation evidence and shall  
4 comply with all applicable state and federal laws. The  
5 appointing authority may conduct the physical ability  
6 component and any subjective components subsequent to the  
7 posting of the preliminary eligibility register.

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

15 In order to qualify for placement on the final eligibility  
16 register, an applicant's score on the written examination,  
17 before any applicable preference points or subjective points  
18 are applied, shall be at or above the minimum score as set by  
19 the commission ~~median score~~. The local appointing authority may  
20 prescribe the score to qualify for placement on the final  
21 eligibility register, but the score shall not be less than the  
22 minimum score set by the commission ~~median score~~.

23 The commission shall prepare and keep a register of persons  
24 whose total score is not less than the minimum score for  
25 passage ~~fixed by this Section~~ and who have passed the physical  
26 ability examination. These persons shall take rank upon the



1 register as candidates in the order of their relative  
2 excellence based on the highest to the lowest total points  
3 scored on the mental aptitude, subjective component, and  
4 preference components of the test administered in accordance  
5 with this Section. No more than 60 days after each examination,  
6 an initial eligibility list shall be posted by the commission.  
7 The list shall include the final grades of the candidates  
8 without reference to priority of the time of examination and  
9 subject to claim for preference credit.

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

19 (h) Preferences. The following are preferences:

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

1 department.

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

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

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

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

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

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

1 below the veteran in rank order based on the totals  
2 received if all points under this subsection were to be  
3 awarded. Any remaining ties on the list shall be determined  
4 by lot.

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

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

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

1 recognized preference achieved. The numerical result thus  
2 attained shall be applied by the commission in determining  
3 the final eligibility list and appointment from the  
4 eligibility list. The local appointing authority may  
5 prescribe the total number of preference points awarded  
6 under this Section, but the total number of preference  
7 points shall not be less than 10 points or more than 30  
8 points.

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

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

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

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

13 (i) Moral character. No person shall be appointed to a fire  
14 department unless he or she is a person of good character; not  
15 a habitual drunkard, a gambler, or a person who has been  
16 convicted of a felony or a crime involving moral turpitude.  
17 However, no person shall be disqualified from appointment to  
18 the fire department because of the person's record of  
19 misdemeanor convictions except those under Sections 11-6,  
20 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,  
21 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,  
22 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and subsections  
23 1, 6, and 8 of Section 24-1 of the Criminal Code of 1961 or the  
24 Criminal Code of 2012, or arrest for any cause without  
25 conviction thereon. Any such person who is in the department  
26 may be removed on charges brought for violating this subsection

1 and after a trial as hereinafter provided.

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

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

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

24 (k) A person who knowingly divulges or receives test  
25 questions or answers before a written examination, or otherwise  
26 knowingly violates or subverts any requirement of this Section,

1 commits a violation of this Section and may be subject to  
2 charges for official misconduct.

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

8 (Source: P.A. 97-251, eff. 8-4-11; 97-898, eff. 8-6-12;  
9 97-1150, eff. 1-25-13.)

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

11 Sec. 10-2.1-6.4. Alternative procedure; original  
12 appointment; full-time firefighter.

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

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



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

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

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

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

24 Any person currently employed as a full-time member of  
25 a fire department or any person who has experienced a  
26 non-voluntary (and non-disciplinary) separation from the

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

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

1 appropriate validation evidence and shall comply with all  
2 applicable state and federal laws. Any subjective component of  
3 the testing must be administered by certified assessors. All  
4 qualifying and disqualifying factors applicable to examination  
5 processes for local commissions in this amendatory Act of the  
6 97th General Assembly shall be applicable to persons  
7 participating in Joint Labor and Management Committee  
8 examinations unless specifically provided otherwise in this  
9 Section.

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

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

1 consideration of an applicant's general moral character and  
2 health shall be administered on a pass-fail basis after a  
3 conditional offer of employment is made by a local commission.

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

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

1 frequency of the occurrence of those duties as part of the fire  
2 department's regular routine shall not be a controlling factor  
3 in the design of examination criteria or evolutions selected  
4 for testing. These physical examinations shall be open,  
5 competitive, and based on industry standards designed to test  
6 each applicant's physical abilities in each of the following  
7 dimensions:

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

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

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

23 The tests utilized to measure each applicant's  
24 capabilities in each of these dimensions may be tests based on  
25 industry standards currently in use or equivalent tests  
26 approved by the Joint Labor-Management Committee of the Office

1 of the State Fire Marshal.

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

9 Applicants who have achieved at least the minimum score as  
10 set by the JLMC ~~median score of all applicants participating in~~  
11 ~~the written examination at the same time~~, and who successfully  
12 pass the physical ability examination shall be placed on the  
13 initial eligibility register. Minimum scores should be set by  
14 the commission so as to demonstrate a candidate's ability to  
15 perform the essential functions of the job. The minimum score  
16 set by the commission shall be supported by appropriate  
17 validation evidence and shall comply with all applicable state  
18 and federal laws. Applicable preference points shall be added  
19 to the written examination scores for all applicants who  
20 qualify for the initial eligibility register. Applicants who  
21 score at or above the minimum passing score as set by the JLMC  
22 ~~in the top 70th percentile or higher~~, including any applicable  
23 preference points, shall be placed on the master register of  
24 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 (1) Applicability. This Section does not apply to a  
6 municipality with more than 1,000,000 inhabitants.

7 (Source: P.A. 97-251, eff. 8-4-11; 97-898, eff. 8-6-12.)

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

10 (70 ILCS 705/16.06b)

11 Sec. 16.06b. Original appointments; full-time fire  
12 department.

13 (a) Applicability. Unless a commission elects to follow the  
14 provisions of Section 16.06c, this Section shall apply to all  
15 original appointments to an affected full-time fire  
16 department. Existing registers of eligibles shall continue to  
17 be valid until their expiration dates, or up to a maximum of 2  
18 years after the effective date of this amendatory Act of the  
19 97th General Assembly.

20 Notwithstanding any statute, ordinance, rule, or other law  
21 to the contrary, all original appointments to an affected  
22 department to which this Section applies shall be administered  
23 in a no less stringent manner than the manner provided for in  
24 this Section. Provisions of the Illinois Municipal Code, Fire

1 Protection District Act, fire district 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 fire protection district that is operating under a court  
8 order or consent decree regarding original appointments to a  
9 full-time fire department before the effective date of this  
10 amendatory Act of the 97th General Assembly is exempt from the  
11 requirements of this Section for the duration of the court  
12 order or consent decree.

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

20 Whenever an appointing authority authorizes action to hire  
21 a person to perform the duties of a firefighter or to hire a  
22 firefighter-paramedic to fill a position that is a new position  
23 or vacancy due to resignation, discharge, promotion, death, the  
24 granting of a disability or retirement pension, or any other  
25 cause, the appointing authority shall appoint to that position  
26 the person with the highest ranking on the final eligibility

1 list. If the appointing authority has reason to conclude that  
2 the highest ranked person fails to meet the minimum standards  
3 for the position or if the appointing authority believes an  
4 alternate candidate would better serve the needs of the  
5 department, then the appointing authority has the right to pass  
6 over the highest ranked person and appoint either: (i) any  
7 person who has a ranking in the top 5% of the register of  
8 eligibles or (ii) any person who is among the top 5 highest  
9 ranked persons on the list of eligibles if the number of people  
10 who have a ranking in the top 5% of the register of eligibles  
11 is less than 5 people.

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

20 The sole authority to issue certificates of appointment  
21 shall be vested in the board of fire commissioners, or board of  
22 trustees serving in the capacity of a board of fire  
23 commissioners. All certificates of appointment issued to any  
24 officer or member of an affected department shall be signed by  
25 the chairperson and secretary, respectively, of the commission  
26 upon appointment of such officer or member to the affected

1 department by action of the commission. Each person who accepts  
2 a certificate of appointment and successfully completes his or  
3 her probationary period shall be enrolled as a firefighter and  
4 as a regular member of the fire department.

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

1 district, county or counties in which the district is located,  
2 State, or nation. Any examination and testing procedure  
3 utilized under subsection (e) of this Section shall be  
4 supported by appropriate validation evidence and shall comply  
5 with all applicable state and federal laws. Districts may  
6 establish educational, emergency medical service licensure,  
7 and other pre-requisites for participation in an examination or  
8 for hire as a firefighter. Any fire protection district may  
9 charge a fee to cover the costs of the application process.

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

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

- 24 (1) any person previously employed as a full-time  
25 firefighter in a regularly constituted fire department of  
26 (i) any municipality or fire protection district located in

1 Illinois, (ii) a fire protection district whose  
2 obligations were assumed by a municipality under Section 21  
3 of the Fire Protection District Act, or (iii) a  
4 municipality whose obligations were taken over by a fire  
5 protection district, or

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

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 attaining the minimum  
16 score set by the commission ~~a score that is at or above the~~  
17 ~~median score for all applicants participating in the written~~  
18 ~~test.~~ Minimum scores should be set by the appointing  
19 authorities so as to demonstrate a candidate's ability to  
20 perform the essential functions of the job. The minimum score  
21 set by the commission shall be supported by appropriate  
22 validation evidence and shall comply with all applicable state  
23 and federal laws. The appointing authority may conduct the  
24 physical ability component and any subjective components  
25 subsequent to the posting of the preliminary eligibility  
26 register.

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

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

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

1 The list shall include the final grades of the candidates  
2 without reference to priority of the time of examination and  
3 subject to claim for preference credit.

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

13 (h) Preferences. The following are preferences:

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

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

1 Promotion Act, may be preferred for appointment to and  
2 employment with the fire department.

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

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

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

1 point for each complete year of full-time service.

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

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

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



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

23           No person entitled to any preference shall be required to  
24 claim the credit before any examination held under the  
25 provisions of this Section, but the preference shall be given  
26 after the posting or publication of the initial eligibility

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

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

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

1 (i) Moral character. No person shall be appointed to a fire  
2 department unless he or she is a person of good character; not  
3 a habitual drunkard, a gambler, or a person who has been  
4 convicted of a felony or a crime involving moral turpitude.  
5 However, no person shall be disqualified from appointment to  
6 the fire department because of the person's record of  
7 misdemeanor convictions except those under Sections 11-6,  
8 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,  
9 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,  
10 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and subsections  
11 1, 6, and 8 of Section 24-1 of the Criminal Code of 1961 or the  
12 Criminal Code of 2012, or arrest for any cause without  
13 conviction thereon. Any such person who is in the department  
14 may be removed on charges brought for violating this subsection  
15 and after a trial as hereinafter provided.

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

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

1 the Department of State Police is authorized to furnish,  
2 pursuant to positive identification, the information contained  
3 in State files as is necessary to fulfill the request.

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

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

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

22 (Source: P.A. 97-251, eff. 8-4-11; 97-898, eff. 8-6-12;  
23 97-1150, eff. 1-25-13.)

24 (70 ILCS 705/16.06c)

25 Sec. 16.06c. Alternative procedure; original appointment;

1 full-time firefighter.

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

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

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

22 Persons who have participated in and received a passing  
23 total score on the mental aptitude, physical ability, and  
24 preference components of a regionally administered test  
25 based on the standards described in this Section. The  
26 standards for administering these tests and the minimum

1 passing score required for placement on this list shall be  
2 as is set forth in this Section.

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

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

1           be immediately issued a certificate of original  
2           appointment by the local commission.

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

24          Notice of the time, place, general scope, and fee of every  
25          JLMC examination shall be given by the JLMC or designated  
26          testing agency, as applicable, by a publication at least 30

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

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

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



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

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

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

1 performing tasks and evolutions. Tasks tested are to be  
2 based on industry standards developed by the JLMC by rule.

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

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

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

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

23 Applicants who have achieved at least the minimum score as  
24 set by the JLMC on ~~median score of all applicants participating~~  
25 ~~in~~ the written examination ~~at the same time~~, and who  
26 successfully pass the physical ability examination shall be

1 placed on the initial eligibility register. Minimum scores  
2 should be set by the JLMC so as to demonstrate a candidate's  
3 ability to perform the essential functions of the job. The  
4 minimum score set by the JLMC shall be supported by appropriate  
5 validation evidence and shall comply with all applicable state  
6 and federal laws. Applicable preference points shall be added  
7 to the written examination scores for all applicants who  
8 qualify for the initial eligibility register. Applicants who  
9 score at or above the minimum passing score as set by the JLMC  
10 ~~in the top 70th percentile or higher~~, including any applicable  
11 preference points, shall be placed on the master register of  
12 eligibles by the JLMC.

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

19 No more than 60 days after each examination, a revised  
20 master register of eligibles shall be posted by the JLMC  
21 showing the final grades of the candidates without reference to  
22 priority of time of examination.

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

1 commission.

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

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

1 Applicants shall be subject to the local commission's initial  
2 hire background review including criminal history, employment  
3 history, moral character, oral examination, and medical  
4 examinations which may include polygraph, psychological, and  
5 drug screening components, all on a pass-fail basis. The  
6 medical examinations must be conducted last, and may only be  
7 performed after a conditional offer of employment has been  
8 extended.

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

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

25 Service during the apprenticeship period shall be on a  
26 probationary basis. During the apprenticeship period, the

1 apprentice's training and performance shall be monitored and  
2 evaluated by a Joint Apprenticeship Committee.

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

1 apprentice's progress and performance and vote to retain the  
2 apprentice as a member of the fire department or to terminate  
3 the apprenticeship. If 3 of the 4 members of the Joint  
4 Apprenticeship Committee affirmatively vote to retain the  
5 apprentice (if a 2 member Joint Apprenticeship Committee  
6 exists, then both members must affirmatively vote to retain the  
7 apprentice), the local commission shall issue the apprentice a  
8 certificate of original appointment to the fire department.

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

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

19 (Source: P.A. 97-251, eff. 8-4-11; 97-898, eff. 8-6-12.)".