

SB0040



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB0040

Introduced 1/10/2019, by Sen. Neil Anderson

SYNOPSIS AS INTRODUCED:

50 ILCS 742/55	
55 ILCS 5/3-14021	from Ch. 34, par. 3-14021
65 ILCS 5/10-1-16	from Ch. 24, par. 10-1-16
65 ILCS 5/10-2.1-11	from Ch. 24, par. 10-2.1-11

Amends the Fire Department Promotion Act, the Counties Code, and the Illinois Municipal Code. Removes restrictions on the availability to receive a veteran's preference promotion if the person has already received a promotion from based on a veteran's preference. Effective immediately.

LRB101 04055 AWJ 49063 b

A BILL FOR

1 AN ACT concerning local government.

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

4 Section 5. The Fire Department Promotion Act is amended by
5 changing Section 55 as follows:

6 (50 ILCS 742/55)

7 Sec. 55. Veterans' preference. A person on a preliminary
8 promotion list who is eligible for veteran's preference under
9 any law or agreement applicable to an affected department may
10 file a written application for that preference within 10 days
11 after the initial posting of the preliminary promotion list.
12 The veteran's preference shall be calculated as provided in the
13 applicable law and added to the applicant's total score on the
14 preliminary promotion list. ~~Any person who has received a~~
15 ~~promotion from a promotion list on which his or her position~~
16 ~~was adjusted for veteran's preference, under this Act or any~~
17 ~~other law, shall not be eligible for any subsequent veteran's~~
18 ~~preference under this Act.~~

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

20 Section 10. The Counties Code is amended by changing
21 Section 3-14021 as follows:

1 (55 ILCS 5/3-14021) (from Ch. 34, par. 3-14021)

2 Sec. 3-14021. Preference to veterans in appointments.
3 Persons who were engaged in the military or naval service of
4 the United States during the years 1898, 1899, 1900, 1901,
5 1902, 1914, 1915, 1916, 1917, 1918, 1919, any time between
6 September 16, 1940 and July 25, 1947, or any time during the
7 national emergency between June 25, 1950 and January 31, 1955,
8 and who were honorably discharged therefrom, and all persons
9 who were engaged in such military or naval service during any
10 of said years, any time between September 16, 1940 and July 25,
11 1947, or any time during the national emergency between June
12 25, 1950 and January 31, 1955, who are now or may hereafter be
13 on inactive or reserve duty in such military or naval service,
14 not including, however, persons who were convicted by
15 court-martial of disobedience of orders, where such
16 disobedience consisted in the refusal to perform military
17 service on the ground of alleged religious or conscientious
18 objections against war shall be preferred for appointment to
19 civil offices, positions, and places of employment in the
20 classified service of the county, provided they are found to
21 possess the business capacity necessary for the proper
22 discharge of the duties of such office, position, or place of
23 employment as determined by examination for original entrance.

24 The Civil Service Commission on certifying from any
25 existing register of eligibles resulting from the holding of an
26 examination for original entrance or any register of eligibles

1 that may be hereafter created of persons who have taken and
2 successfully passed the examinations provided for in this
3 Division for original entrance commenced prior to September 1,
4 1949, shall place the name or names of such persons at the head
5 of any existing eligible register or list of eligibles that
6 shall be created under the provisions of this Division to be
7 certified for appointment. The Civil Service Commission shall
8 give preference for original appointment to persons as
9 hereinabove designated whose names appear on any register of
10 eligibles resulting from an examination for original entrance
11 held under the provisions of this Division and commenced on or
12 after September 1, 1949 by adding to the final grade average
13 which they received or will receive as the result of any
14 examination held for original entrance, five points. The
15 numerical result thus attained shall be applied by the Civil
16 Service Commission in determining the position of such persons
17 on any eligible list which has been created as the result of
18 any examination for original entrance commenced on or after
19 September 1, 1949 for purposes of preference in certification
20 and appointment from such eligible list.

21 Every certified Civil Service employee who was called to,
22 or who volunteered for, the military or naval service of the
23 United States at any time during the years specified in this
24 Division, at any time between September 16, 1940 and July 25,
25 1947, or any time during the national emergency between June
26 25, 1950 and January 31, 1955, and who was honorably discharged

1 therefrom, who is now or who may hereafter be on inactive or
2 reserve duty in such military or naval service, not including,
3 however, persons who were convicted by courtmartial of
4 disobedience of orders where such disobedience consisted in the
5 refusal to perform military service on the ground of alleged
6 religious or conscientious objections against war, and whose
7 name appears on existing promotional eligible registers or on
8 any promotional eligible register that may hereafter be
9 created, shall be preferred for promotional appointments to
10 civil offices, positions, and places of employment in the
11 classified civil service of any county coming under the
12 provisions of this Division. The Civil Service Commission shall
13 give preference for promotional appointment to persons as
14 hereinabove designated whose names appear on existing
15 promotional eligible registers or promotional eligible
16 registers that may hereafter be created by adding to the final
17 grade average which they received or will receive as the result
18 of any promotional examination commencing prior to September 1,
19 1949 three-fourths of one point for each 6 months or fraction
20 thereof of military or naval service not exceeding 30 months,
21 and by adding to the final grade average which they will
22 receive as the result of any promotional examination held
23 commencing on or after September 1, 1949 seven-tenths of one
24 point for each 6 months or fraction thereof of military or
25 naval service not exceeding 30 months. The numerical results
26 thus attained shall be applied by the Civil Service Commission

1 in determining the position of such persons on any eligible
2 list which has been created or will be created as the result of
3 any promotional examination held hereunder for purposes of
4 preference in certification and appointment from such eligible
5 list. ~~No person shall receive the preference for a promotional~~
6 ~~appointment granted by this Section after he has received one~~
7 ~~promotion from an eligible list on which he was allowed such~~
8 ~~preference and which was prepared as a result of an examination~~
9 ~~held on or after September 1, 1949.~~ No person entitled to
10 preference or credit for military or naval service hereunder
11 shall be required to furnish evidence or record of honorable
12 discharge from the armed forces before any examination held
13 under the provisions of this Division but such preference shall
14 be given after the posting or publication of the eligible list
15 or register and before any certification or appointments are
16 made from the eligible register.

17 (Source: P.A. 86-962.)

18 Section 15. The Illinois Municipal Code is amended by
19 changing Sections 10-1-16 and 10-2.1-11 as follows:

20 (65 ILCS 5/10-1-16) (from Ch. 24, par. 10-1-16)

21 Sec. 10-1-16. Veteran's preference. Persons who were
22 engaged in the active military or naval service of the United
23 States for a period of at least one year and who were honorably
24 discharged therefrom and all persons who were engaged in such

1 military or naval service who are now or may hereafter be on
2 inactive or reserve duty in such military or naval service, not
3 including, however, persons who were convicted by
4 court-martial of disobedience of orders, where such
5 disobedience consisted in the refusal to perform military
6 service on the ground of alleged religious or conscientious
7 objections against war, shall be preferred for appointments to
8 civil offices, positions, and places of employment in the
9 classified service of any municipality coming under the
10 provisions of this Division 1, provided they are found to
11 possess the business capacity necessary for the proper
12 discharge of the duties of such office, position, or place of
13 employment as determined by examination. For purposes of this
14 Section, if a person has been deployed, then "active duty
15 military or naval service of the United States" includes
16 training and service school attendance, as defined in 10 U.S.C.
17 101(d), which is ordered pursuant to 10 U.S.C. 12301(d).

18 The civil service commission shall give preference points
19 for original appointment to qualified veterans whose names
20 appear on any register of eligibles resulting from an
21 examination for original entrance in the classified service of
22 any municipality coming under the provisions of this Division 1
23 by adding to the final grade average that they receive or will
24 receive as the result of any examination held for original
25 entrance, 5 points. The numerical result thus attained shall be
26 applied by the civil service commission in determining the

1 position of those persons on any eligibility list that has been
2 created as the result of any examination for original entrance
3 for purposes of preference in certification and appointment
4 from that eligibility list. Persons who were engaged in the
5 active military or naval service of the United States for a
6 period of at least one year and who were honorably discharged
7 therefrom or who are now or who may hereafter be on inactive or
8 reserve duty in such military or naval service, not including,
9 however, persons who were convicted by court martial of
10 disobedience of orders where such disobedience consisted in the
11 refusal to perform military service on the ground of alleged
12 religious or conscientious objections against war, and whose
13 names appear on existing promotional eligible registers or any
14 promotional eligible register that may hereafter be created, as
15 provided for by this Division 1, shall be preferred for
16 promotional appointment to civil offices, positions and places
17 of employment in the classified civil service of any
18 municipality coming under the provisions of this Division 1.

19 The civil service commission shall give preference for
20 promotional appointment to persons as hereinabove designated
21 whose names appear on existing promotional eligible registers
22 or promotional eligible registers that may hereafter be created
23 by adding to the final grade average which they received or
24 will receive as the result of any promotional examination
25 seven-tenths of one point for each 6 months or fraction thereof
26 of active military or naval service not exceeding 30 months.

1 The numerical result thus attained shall be applied by the
2 civil service commission in determining the position of such
3 persons on any eligible list which has been created or will be
4 created as the result of any promotional examination held
5 hereunder for purposes of preference in certification and
6 appointment from such eligible list.

7 ~~No person shall receive the preference for a promotional~~
8 ~~appointment granted by this Section after he or she has~~
9 ~~received one promotion from an eligible list on which he or she~~
10 ~~was allowed such preference.~~

11 No person entitled to preference or credit for military or
12 naval service hereunder shall be required to furnish evidence
13 or record of honorable discharge from the armed forces before
14 the publication or posting of any eligible register or list
15 resulting from the examination. Such preference shall be given
16 after the posting or publication of any eligible list or
17 register resulting from such examination and before any
18 certifications or appointments are made from such list or
19 register.

20 (Source: P.A. 96-83, eff. 1-1-10.)

21 (65 ILCS 5/10-2.1-11) (from Ch. 24, par. 10-2.1-11)

22 Sec. 10-2.1-11. Promotional examinations-Credits to
23 veterans.) The board of fire and police commissioners shall
24 give preference for promotional appointment to persons
25 designated in Section 10-2.1-10 whose names appear on

1 promotional eligibility registers by adding to the final grade
2 average which they will receive as a result of any promotional
3 examination 7/10 of one point for each 6 months or fraction
4 thereof of military or naval service not exceeding 30 months.
5 The numerical result thus attained shall be applied by the
6 board of fire and police commissioners in determining the
7 position of such persons on any eligibility list as the result
8 of any promotional examination held for purposes of preference
9 in certification and appointment from such eligibility list.

10 ~~No person shall receive the preference for a promotional~~
11 ~~appointment granted by this Division 2.1 after he has received~~
12 ~~one promotion from an eligibility list on which he was allowed~~
13 ~~such preference.~~

14 (Source: P.A. 79-702.)

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