

HB0774



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0774

Introduced 2/7/2007, by Rep. JoAnn D. Osmond

SYNOPSIS AS INTRODUCED:

70 ILCS 705/16.13b

from Ch. 127 1/2, par. 37.13b

Amends the Fire Protection District Act. Eliminates the requirement that the board of trustees must, by majority vote, confirm the removal or discharge of an officer or a member of the district fire department.

LRB095 04951 HLH 25017 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 Protection District Act is amended by
5 changing Section 16.13b as follows:

6 (70 ILCS 705/16.13b) (from Ch. 127 1/2, par. 37.13b)

7 Sec. 16.13b. Unless the employer and a labor organization
8 have agreed to a contract provision providing for final and
9 binding arbitration of disputes concerning the existence of
10 just cause for disciplinary action, no officer or member of the
11 fire department of any protection district who has held that
12 position for one year shall be removed or discharged except for
13 just cause, upon written charges specifying the complainant and
14 the basis for the charges, and after a hearing on those charges
15 before the board of fire commissioners, affording the officer
16 or member an opportunity to be heard in his own defense. In
17 such case the board of fire commissioners ~~appointing authority~~
18 shall notify ~~file with~~ the board of trustees of the reasons for
19 such removal or discharge, ~~which removal or discharge shall not~~
20 ~~become effective unless confirmed by a majority vote of the~~
21 ~~board of trustees~~. If written charges are brought against an
22 officer or member, the board of fire commissioners shall
23 conduct a fair and impartial hearing of the charges, to be

1 commenced within 30 days of the filing thereof, which hearing
2 may be continued from time to time. The Chief of the department
3 shall bear the burden of proving the guilt of the officer or
4 member by a preponderance of the evidence. In case an officer
5 or member is found guilty, the board may discharge him, or may
6 suspend him not exceeding 30 calendar days without pay. The
7 board may suspend any officer or member pending the hearing
8 with or without pay, but in no event shall the suspension
9 pending hearing and the ultimate suspension imposed on the
10 officer or member, if any, exceed 30 calendar days without pay
11 in the aggregate. If the board of fire commissioners determines
12 that the charges are not sustained, the officer or member shall
13 be reimbursed for all wages withheld or lost, if any. In the
14 conduct of this hearing, each member of the board shall have
15 power to secure by its subpoena both the attendance and
16 testimony of witnesses and the production of books and papers
17 relevant to the hearing.

18 Notwithstanding any other provision of this Section, a
19 probationary employment period may be extended beyond one year
20 for a firefighter who is required as a condition of employment
21 to be a certified paramedic, during which time the sole reason
22 that a firefighter may be discharged without a hearing is for
23 failing to meet the requirements for paramedic certification.

24 The age for mandatory retirement of firemen in the service
25 of any department of such district is 65 years, unless the
26 board of trustees shall by ordinance provide for an earlier

1 mandatory retirement age of not less than 60 years.

2 The provisions of the Administrative Review Law, and all
3 amendments and modifications thereof, and the rules adopted
4 pursuant thereto, shall apply to and govern all proceedings for
5 the judicial review of final administrative decisions of the
6 board of fire commissioners hereunder. The term
7 "administrative decision" is defined as in Section 3-101 of the
8 Code of Civil Procedure.

9 Nothing in this Section shall be construed to prevent the
10 Chief of the fire department from suspending without pay a
11 member of his department for a period of not more than 5
12 consecutive calendar days, but he shall notify the board in
13 writing of such suspension. Any fireman so suspended may appeal
14 to the board of fire commissioners for a review of the
15 suspension within 5 calendar days after such suspension. Upon
16 such appeal, the Chief of the department shall bear the burden
17 of proof in establishing the guilt of the officer or member by
18 a preponderance of the evidence. The board may sustain the
19 action of the Chief of the department, may reduce the
20 suspension to a lesser penalty, or may reverse it with
21 instructions that the officer or member receive his pay and
22 other benefits withheld for the period involved, or may suspend
23 the officer for an additional period of not more than 30 days,
24 or discharge him, depending upon the facts presented.

25 (Source: P.A. 94-135, eff. 7-7-05.)