



Rep. Jed Davis

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10400HB1098ham001

LRB104 04060 RPS 23850 a

1 AMENDMENT TO HOUSE BILL 1098

2 AMENDMENT NO. _____. Amend House Bill 1098 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Pension Code is amended by
5 changing Section 4-109 as follows:

6 (40 ILCS 5/4-109) (from Ch. 108 1/2, par. 4-109)

7 Sec. 4-109. Pension.

8 (a) A firefighter age 50 or more with 20 or more years of
9 creditable service, who is no longer in service as a
10 firefighter, shall receive a monthly pension of 1/2 the
11 monthly salary attached to the rank held by him or her in the
12 fire service at the date of retirement.

13 The monthly pension shall be increased by 1/12 of 2.5% of
14 such monthly salary for each additional month over 20 years of
15 service through 30 years of service, to a maximum of 75% of
16 such monthly salary.

1 The changes made to this subsection (a) by this amendatory
2 Act of the 91st General Assembly apply to all pensions that
3 become payable under this subsection on or after January 1,
4 1999. All pensions payable under this subsection that began on
5 or after January 1, 1999 and before the effective date of this
6 amendatory Act shall be recalculated, and the amount of the
7 increase accruing for that period shall be payable to the
8 pensioner in a lump sum.

9 (b) A firefighter who retires or is separated from service
10 having at least 10 but less than 20 years of creditable
11 service, who is not entitled to receive a disability pension,
12 and who did not apply for a refund of contributions at his or
13 her last separation from service shall receive a monthly
14 pension upon attainment of age 60 based on the monthly salary
15 attached to his or her rank in the fire service on the date of
16 retirement or separation from service according to the
17 following schedule:

18 For 10 years of service, 15% of salary;

19 For 11 years of service, 17.6% of salary;

20 For 12 years of service, 20.4% of salary;

21 For 13 years of service, 23.4% of salary;

22 For 14 years of service, 26.6% of salary;

23 For 15 years of service, 30% of salary;

24 For 16 years of service, 33.6% of salary;

25 For 17 years of service, 37.4% of salary;

26 For 18 years of service, 41.4% of salary;

1 For 19 years of service, 45.6% of salary.

2 (c) Notwithstanding any other provision of this Article,
3 the provisions of this subsection (c) apply to a person who
4 first becomes a firefighter under this Article on or after
5 January 1, 2011.

6 A firefighter age 55 or more who has 10 or more years of
7 service in that capacity shall be entitled at his option to
8 receive a monthly pension for his service as a firefighter
9 computed by multiplying 2.5% for each year of such service by
10 his or her final average salary.

11 ~~The pension of a firefighter who is retiring after~~
12 ~~attaining age 50 with 10 or more years of creditable service~~
13 ~~shall be reduced by one half of 1% for each month that the~~
14 ~~firefighter's age is under age 55.~~

15 The maximum pension under this subsection (c) shall be 75%
16 of final average salary.

17 For the purposes of this subsection (c), "final average
18 salary" means the greater of: (i) the average monthly salary
19 obtained by dividing the total salary of the firefighter
20 during the 48 consecutive months of service within the last 60
21 months of service in which the total salary was the highest by
22 the number of months of service in that period; or (ii) the
23 average monthly salary obtained by dividing the total salary
24 of the firefighter during the 96 consecutive months of service
25 within the last 120 months of service in which the total salary
26 was the highest by the number of months of service in that

1 period.

2 Beginning on January 1, 2011, for all purposes under this
3 Code (including without limitation the calculation of benefits
4 and employee contributions), the annual salary based on the
5 plan year of a member or participant to whom this Section
6 applies shall not exceed \$106,800; however, that amount shall
7 annually thereafter be increased by the lesser of (i) 3% of
8 that amount, including all previous adjustments, or (ii) the
9 annual unadjusted percentage increase (but not less than zero)
10 in the consumer price index-u for the 12 months ending with the
11 September preceding each November 1, including all previous
12 adjustments.

13 Nothing in this amendatory Act of the 101st General
14 Assembly shall cause or otherwise result in any retroactive
15 adjustment of any employee contributions.

16 (d) Notwithstanding any other provision of this Article to
17 the contrary, including subsection (c), a firefighter who has
18 enough service to be entitled to the maximum pension under
19 this Section shall be eligible to receive an unreduced monthly
20 pension, regardless of the firefighter's age.

21 (Source: P.A. 101-610, eff. 1-1-20.)

22 Section 10. The Illinois Municipal Code is amended by
23 changing Sections 10-1-7.1 and 10-2.1-6.3 as follows:

24 (65 ILCS 5/10-1-7.1)

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

3 (a) Applicability. Unless a commission elects to follow
4 the provisions of Section 10-1-7.2, this Section shall apply
5 to all original appointments to an affected full-time fire
6 department. Existing registers of eligibles shall continue to
7 be valid until their expiration dates, or up to a maximum of 2
8 years after August 4, 2011 (the effective date of Public Act
9 97-251).

10 Notwithstanding any statute, ordinance, rule, or other law
11 to the contrary, all original appointments to an affected
12 department to which this Section applies shall be administered
13 in the manner provided for in this Section. Provisions of the
14 Illinois Municipal Code, municipal ordinances, and rules
15 adopted pursuant to such authority and other laws relating to
16 initial hiring of firefighters in affected departments shall
17 continue to apply to the extent they are compatible with this
18 Section, but in the event of a conflict between this Section
19 and any other law, this Section shall control.

20 A home rule or non-home rule municipality may not
21 administer its fire department process for original
22 appointments in a manner that is less stringent than this
23 Section. This Section is a limitation under subsection (i) of
24 Section 6 of Article VII of the Illinois Constitution on the
25 concurrent exercise by home rule units of the powers and
26 functions exercised by the State.

1 A municipality that is operating under a court order or
2 consent decree regarding original appointments to a full-time
3 fire department before August 4, 2011 (the effective date of
4 Public Act 97-251) is exempt from the requirements of this
5 Section for the duration of the court order or consent decree.

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

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

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

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

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

16 The sole authority to issue certificates of appointment
17 shall be vested in the Civil Service Commission. All
18 certificates of appointment issued to any officer or member of
19 an affected department shall be signed by the chairperson and
20 secretary, respectively, of the commission upon appointment of
21 such officer or member to the affected department by the
22 commission. After being selected from the register of
23 eligibles to fill a vacancy in the affected department, each
24 appointee shall be presented with his or her certificate of
25 appointment on the day on which he or she is sworn in as a
26 classified member of the affected department. Firefighters who

1 were not issued a certificate of appointment when originally
2 appointed shall be provided with a certificate within 10 days
3 after making a written request to the chairperson of the Civil
4 Service Commission. Each person who accepts a certificate of
5 appointment and successfully completes his or her probationary
6 period shall be enrolled as a firefighter and as a regular
7 member of the fire department.

8 For the purposes of this Section, "firefighter" means any
9 person who has been prior to, on, or after August 4, 2011 (the
10 effective date of Public Act 97-251) appointed to a fire
11 department or fire protection district or employed by a State
12 university and sworn or commissioned to perform firefighter
13 duties or paramedic duties, or both, except that the following
14 persons are not included: part-time firefighters; auxiliary,
15 reserve, or voluntary firefighters, including paid-on-call
16 firefighters; clerks and dispatchers or other civilian
17 employees of a fire department or fire protection district who
18 are not routinely expected to perform firefighter duties; and
19 elected officials.

20 (c) Qualification for placement on register of eligibles.
21 The purpose of establishing a register of eligibles is to
22 identify applicants who possess and demonstrate the mental
23 aptitude and physical ability to perform the duties required
24 of members of the fire department in order to provide the
25 highest quality of service to the public. To this end, all
26 applicants for original appointment to an affected fire

1 department shall be subject to examination and testing which
2 shall be public, competitive, and open to all applicants
3 unless the municipality shall by ordinance limit applicants to
4 residents of the municipality, county or counties in which the
5 municipality is located, State, or nation. Any examination and
6 testing procedure utilized under subsection (e) of this
7 Section shall be supported by appropriate validation evidence
8 and shall comply with all applicable State and federal laws.
9 Municipalities may establish educational, emergency medical
10 service licensure, and other prerequisites for participation
11 in an examination or for hire as a firefighter. Any
12 municipality may charge a fee to cover the costs of the
13 application process.

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

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

1 limitation does not apply to:

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

10 (2) any person who has served a municipality as a
11 regularly enrolled volunteer, paid-on-call, or part-time
12 firefighter, or

13 (3) any person who turned 35 while serving as a member
14 of the active or reserve components of any of the branches
15 of the Armed Forces of the United States or the National
16 Guard of any state, whose service was characterized as
17 honorable or under honorable, if separated from the
18 military, and is currently under the age of 40.

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

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

25 No municipality shall require that any firefighter
26 appointed to the lowest rank serve a probationary employment

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

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

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

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

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

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

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

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

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

1 may be based on standards developed, or approved, by the
2 local appointing authority.

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

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

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

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

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

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

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

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

25 The commission shall prepare and keep a register of
26 persons whose total score is not less than the minimum score

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

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

21 (h) Preferences. The following are preferences:

22 (1) Veteran preference. Persons who were engaged in
23 the military service of the United States for a period of
24 at least one year of active duty and who were honorably
25 discharged therefrom, or who are now or have been members
26 on inactive or reserve duty in such military or naval

1 service, shall be preferred for appointment to and
2 employment with the fire department of an affected
3 department.

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

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

17 (4) Paramedic preference. Persons who have obtained a
18 license as a paramedic may be preferred for appointment to
19 and employment with the fire department of an affected
20 department providing emergency medical services.

21 (5) Experience preference. All persons employed by a
22 municipality who have been paid-on-call or part-time
23 certified Firefighter II, certified Firefighter III, State
24 of Illinois or nationally licensed EMT, EMT-I, A-EMT, or
25 paramedic, or any combination of those capacities may be
26 awarded up to a maximum of 5 points. However, the

1 applicant may not be awarded more than 0.5 points for each
2 complete year of paid-on-call or part-time service.
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 may be
6 awarded up to 5 experience preference points. However, the
7 applicant may not be awarded more than one point for each
8 complete year of full-time service.

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

26 (6) Residency preference. Applicants whose principal

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

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

8 (7.5) Apprentice preferences. A person who has
9 performed fire suppression service for a department as a
10 firefighter apprentice and otherwise meets the
11 qualifications for original appointment as a firefighter
12 specified in this Section may be awarded up to 20
13 preference points. To qualify for preference points, an
14 applicant shall have completed a minimum of 600 hours of
15 fire suppression work on a regular shift for the affected
16 fire department over a 12-month period. The fire
17 suppression work must be in accordance with Section
18 10-1-14 of this Division and the terms established by a
19 Joint Apprenticeship Committee included in a collective
20 bargaining agreement agreed between the employer and its
21 certified bargaining agent. An eligible applicant must
22 apply to the Joint Apprenticeship Committee for preference
23 points under this item. The Joint Apprenticeship Committee
24 shall evaluate the merit of the applicant's performance,
25 determine the preference points to be awarded, and certify
26 the amount of points awarded to the commissioners. The

1 commissioners may add the certified preference points to
2 the final grades achieved by the applicant on the other
3 components of the examination.

4 (8) Scoring of preferences. The commission shall give
5 preference for original appointment to persons designated
6 in item (1) by adding to the final grade that they receive
7 5 points for the recognized preference achieved. The
8 commission may give preference for original appointment to
9 persons designated in item (7.5) by adding to the final
10 grade the amount of points designated by the Joint
11 Apprenticeship Committee as defined in item (7.5). The
12 commission shall determine the number of preference points
13 for each category, except items (1) and (7.5). The number
14 of preference points for each category shall range from 0
15 to 5, except item (7.5). In determining the number of
16 preference points, the commission shall prescribe that if
17 a candidate earns the maximum number of preference points
18 in all categories except item (7.5), that number may not
19 be less than 10 nor more than 30. The commission shall give
20 preference for original appointment to persons designated
21 in items (2) through (7) by adding the requisite number of
22 points to the final grade for each recognized preference
23 achieved. The numerical result thus attained shall be
24 applied by the commission in determining the final
25 eligibility list and appointment from the eligibility
26 list. The local appointing authority may prescribe the

1 total number of preference points awarded under this
2 Section, but the total number of preference points, except
3 item (7.5), shall not be less than 10 points or more than
4 30 points. Apprentice preference points may be added in
5 addition to other preference points awarded by the
6 commission.

7 No person entitled to any preference shall be required to
8 claim the credit before any examination held under the
9 provisions of this Section, but the preference shall be given
10 after the posting or publication of the initial eligibility
11 list or register at the request of a person entitled to a
12 credit before any certification or appointments are made from
13 the eligibility register, upon the furnishing of verifiable
14 evidence and proof of qualifying preference credit. Candidates
15 who are eligible for preference credit shall make a claim in
16 writing within 10 days after the posting of the initial
17 eligibility list, or the claim shall be deemed waived. Final
18 eligibility registers shall be established after the awarding
19 of verified preference points. However, apprentice preference
20 credit earned subsequent to the establishment of the final
21 eligibility register may be applied to the applicant's score
22 upon certification by the Joint Apprenticeship Committee to
23 the commission and the rank order of candidates on the final
24 eligibility register shall be adjusted accordingly. All
25 employment shall be subject to the commission's initial hire
26 background review, including, but not limited to, criminal

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

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

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

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

1 Criminal Code of 1961 or the Criminal Code of 2012, or arrest
2 for any cause without conviction thereon. Any such person who
3 is in the department may be removed on charges brought for
4 violating this subsection and after a trial as hereinafter
5 provided.

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

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

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

1 any calendar year.

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

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

12 (Source: P.A. 101-489, eff. 8-23-19; 102-375, eff. 8-13-21;
13 102-538, eff. 8-20-21; 102-558, eff. 8-20-21; 102-813, eff.
14 5-13-22.)

15 (65 ILCS 5/10-2.1-6.3)

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

18 (a) Applicability. Unless a commission elects to follow
19 the provisions of Section 10-2.1-6.4, this Section shall apply
20 to all original appointments to an affected full-time fire
21 department. Existing registers of eligibles shall continue to
22 be valid until their expiration dates, or up to a maximum of 2
23 years after August 4, 2011 (the effective date of Public Act
24 97-251).

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

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

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

17 A municipality that is operating under a court order or
18 consent decree regarding original appointments to a full-time
19 fire department before August 4, 2011 (the effective date of
20 Public Act 97-251) is exempt from the requirements of this
21 Section for the duration of the court order or consent decree.

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

25 (b) Original appointments. All original appointments made
26 to an affected fire department shall be made from a register of

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

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

24 Any candidate may pass on an appointment once without
25 losing his or her position on the register of eligibles. Any
26 candidate who passes a second time may be removed from the list

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

6 The sole authority to issue certificates of appointment
7 shall be vested in the board of fire and police commissioners.
8 All certificates of appointment issued to any officer or
9 member of an affected department shall be signed by the
10 chairperson and secretary, respectively, of the board upon
11 appointment of such officer or member to the affected
12 department by action of the board. After being selected from
13 the register of eligibles to fill a vacancy in the affected
14 department, each appointee shall be presented with his or her
15 certificate of appointment on the day on which he or she is
16 sworn in as a classified member of the affected department.
17 Firefighters who were not issued a certificate of appointment
18 when originally appointed shall be provided with a certificate
19 within 10 days after making a written request to the
20 chairperson of the board of fire and police commissioners.
21 Each person who accepts a certificate of appointment and
22 successfully completes his or her probationary period shall be
23 enrolled as a firefighter and as a regular member of the fire
24 department.

25 For the purposes of this Section, "firefighter" means any
26 person who has been prior to, on, or after August 4, 2011 (the

1 effective date of Public Act 97-251) appointed to a fire
2 department or fire protection district or employed by a State
3 university and sworn or commissioned to perform firefighter
4 duties or paramedic duties, or both, except that the following
5 persons are not included: part-time firefighters; auxiliary,
6 reserve, or voluntary firefighters, including paid-on-call
7 firefighters; clerks and dispatchers or other civilian
8 employees of a fire department or fire protection district who
9 are not routinely expected to perform firefighter duties; and
10 elected officials.

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

1 service licensure, and other prerequisites for participation
2 in an examination or for hire as a firefighter. Any
3 municipality may charge a fee to cover the costs of the
4 application process.

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

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

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

1 (2) any person who has served a municipality as a
2 regularly enrolled volunteer, paid-on-call, or part-time
3 firefighter, or

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

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

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

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

1 licensure.

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

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

1 therein, then in one or more newspapers with a general
2 circulation within the municipality, or (ii) on the
3 municipality's Internet website. Additional notice of the
4 examination may be given as the commission shall prescribe.

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

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

24 (f) Physical ability. All candidates shall be required to
25 undergo an examination of their physical ability to perform
26 the essential functions included in the duties they may be

1 called upon to perform as a member of a fire department. For
2 the purposes of this Section, essential functions of the job
3 are functions associated with duties that a firefighter may be
4 called upon to perform in response to emergency calls. The
5 frequency of the occurrence of those duties as part of the fire
6 department's regular routine shall not be a controlling factor
7 in the design of examination criteria or evolutions selected
8 for testing. These physical examinations shall be open,
9 competitive, and based on industry standards designed to test
10 each applicant's physical abilities in the following
11 dimensions:

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

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

24 (3) The ability to carry out critical, time-sensitive,
25 and complex problem solving during physical exertion in
26 stressful and hazardous environments. The testing

1 environment may be hot and dark with tightly enclosed
2 spaces, flashing lights, sirens, and other distractions.

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

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

12 (g) Scoring of examination components. Appointing
13 authorities may create a preliminary eligibility register. A
14 person shall be placed on the list based upon his or her
15 passage of the written examination or the passage of the
16 written examination and the physical ability component.
17 Passage of the written examination means attaining the minimum
18 score set by the commission. Minimum scores should be set by
19 the commission 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 as set by
12 the commission. The local appointing authority may prescribe
13 the score to qualify for placement on the final eligibility
14 register, but the score shall not be less than the minimum
15 score set by the commission.

16 The commission shall prepare and keep a register of
17 persons whose total score is not less than the minimum score
18 for passage and who have passed the physical ability
19 examination. These persons shall take rank upon the register
20 as candidates in the order of their relative excellence based
21 on the highest to the lowest total points scored on the mental
22 aptitude, subjective component, and preference components of
23 the test administered in accordance with this Section. No more
24 than 60 days after each examination, an initial eligibility
25 list shall be posted by the commission. The list shall include
26 the final grades of the candidates without reference to

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

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

12 (h) Preferences. The following are preferences:

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

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

1 employment with the fire department.

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

8 (4) Paramedic preference. Persons who have obtained a
9 license as a paramedic shall be preferred for appointment
10 to and employment with the fire department of an affected
11 department providing emergency medical services.

12 (5) Experience preference. All persons employed by a
13 municipality who have been paid-on-call or part-time
14 certified Firefighter II, State of Illinois or nationally
15 licensed EMT, EMT-I, A-EMT, or any combination of those
16 capacities shall be awarded 0.5 point for each year of
17 successful service in one or more of those capacities, up
18 to a maximum of 5 points. Certified Firefighter III and
19 State of Illinois or nationally licensed paramedics shall
20 be awarded one point per year up to a maximum of 5 points.
21 Applicants from outside the municipality who were employed
22 as full-time firefighters or firefighter-paramedics by a
23 fire protection district or another municipality for at
24 least 2 years shall be awarded 5 experience preference
25 points. These additional points presuppose a rating scale
26 totaling 100 points available for the eligibility list. If

1 more or fewer points are used in the rating scale for the
2 eligibility list, the points awarded under this subsection
3 shall be increased or decreased by a factor equal to the
4 total possible points available for the examination
5 divided by 100.

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

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

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

5 (7.5) Apprentice preferences. A person who has
6 performed fire suppression service for a department as a
7 firefighter apprentice and otherwise meets the
8 qualifications for original appointment as a firefighter
9 specified in this Section is eligible to be awarded up to
10 20 preference points. To qualify for preference points, an
11 applicant shall have completed a minimum of 600 hours of
12 fire suppression work on a regular shift for the affected
13 fire department over a 12-month period. The fire
14 suppression work must be in accordance with Section
15 10-2.1-4 of this Division and the terms established by a
16 Joint Apprenticeship Committee included in a collective
17 bargaining agreement agreed between the employer and its
18 certified bargaining agent. An eligible applicant must
19 apply to the Joint Apprenticeship Committee for preference
20 points under this item. The Joint Apprenticeship Committee
21 shall evaluate the merit of the applicant's performance,
22 determine the preference points to be awarded, and certify
23 the amount of points awarded to the commissioners. The
24 commissioners may add the certified preference points to
25 the final grades achieved by the applicant on the other
26 components of the examination.

1 (8) Scoring of preferences. The commission may 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 may give preference for original appointment to
6 persons designated in item (7.5) by adding to the final
7 grade the amount of points designated by the Joint
8 Apprenticeship Committee as defined in item (7.5). The
9 commission shall determine the number of preference points
10 for each category, except items (1) and (7.5). The number
11 of preference points for each category shall range from 0
12 to 5, except item (7.5). In determining the number of
13 preference points, the commission shall prescribe that if
14 a candidate earns the maximum number of preference points
15 in all categories except item (7.5), that number may not
16 be less than 10 nor more than 30. The commission shall give
17 preference for original appointment to persons designated
18 in items (2) through (7) by adding the requisite number of
19 points to the final grade for each recognized preference
20 achieved. The numerical result thus attained shall be
21 applied by the commission in determining the final
22 eligibility list and appointment from the eligibility
23 list. The local appointing authority may prescribe the
24 total number of preference points awarded under this
25 Section, but the total number of preference points, except
26 item (7.5), shall not be less than 10 points or more than

1 30 points. Apprentice preference points may be added in
2 addition to other preference points awarded by the
3 commission.

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

1 examinations must be conducted last, and may only be performed
2 after a conditional offer of employment has been 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
11 for original appointment after the names have been on the list
12 for more than 2 years.

13 (i) Moral character. No person shall be appointed to a
14 fire department unless he or she is a person of good character;
15 not 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 paragraphs
23 (1), (6), and (8) of subsection (a) of Section 24-1 of the
24 Criminal Code of 1961 or the Criminal Code of 2012, or arrest
25 for any cause without conviction thereon. Any such person who
26 is in the department may be removed on charges brought for

1 violating this subsection and after a trial as hereinafter
2 provided.

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

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

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

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

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

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

9 (Source: P.A. 101-489, eff. 8-23-19; 102-375, eff. 8-13-21;
10 102-538, eff. 8-20-21; 102-558, eff. 8-20-21; 102-813, eff.
11 5-13-22.)

12 Section 15. The Fire Protection District Act is amended by
13 changing Section 16.06b as follows:

14 (70 ILCS 705/16.06b)

15 Sec. 16.06b. Original appointments; full-time fire
16 department.

17 (a) Applicability. Unless a commission elects to follow
18 the provisions of Section 16.06c, this Section shall apply to
19 all original appointments to an affected full-time fire
20 department. Existing registers of eligibles shall continue to
21 be valid until their expiration dates, or up to a maximum of 2
22 years after August 4, 2011 (the effective date of Public Act
23 97-251).

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

1 to the contrary, all original appointments to an affected
2 department to which this Section applies shall be administered
3 in a no less stringent manner than the manner provided for in
4 this Section. Provisions of the Illinois Municipal Code, Fire
5 Protection District Act, fire district 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 fire protection district that is operating under a court
12 order or consent decree regarding original appointments to a
13 full-time fire department before August 4, 2011 (the effective
14 date of Public Act 97-251) is exempt from the requirements of
15 this Section for the duration of the court order or consent
16 decree.

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

24 Whenever an appointing authority authorizes action to hire
25 a person to perform the duties of a firefighter or to hire a
26 firefighter-paramedic to fill a position that is a new

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

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

24 The sole authority to issue certificates of appointment
25 shall be vested in the board of fire commissioners, or board of
26 trustees serving in the capacity of a board of fire

1 commissioners. All certificates of appointment issued to any
2 officer or member of an affected department shall be signed by
3 the chairperson and secretary, respectively, of the commission
4 upon appointment of such officer or member to the affected
5 department by action of the commission. After being selected
6 from the register of eligibles to fill a vacancy in the
7 affected department, each appointee shall be presented with
8 his or her certificate of appointment on the day on which he or
9 she is sworn in as a classified member of the affected
10 department. Firefighters who were not issued a certificate of
11 appointment when originally appointed shall be provided with a
12 certificate within 10 days after making a written request to
13 the chairperson of the board of fire commissioners, or board
14 of trustees serving in the capacity of a board of fire
15 commissioners. Each person who accepts a certificate of
16 appointment and successfully completes his or her probationary
17 period shall be enrolled as a firefighter and as a regular
18 member of the fire department.

19 For the purposes of this Section, "firefighter" means any
20 person who has been prior to, on, or after August 4, 2011 (the
21 effective date of Public Act 97-251) appointed to a fire
22 department or fire protection district or employed by a State
23 university and sworn or commissioned to perform firefighter
24 duties or paramedic duties, or both, except that the following
25 persons are not included: part-time firefighters; auxiliary,
26 reserve, or voluntary firefighters, including paid-on-call

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

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

25 Residency requirements in effect at the time an individual
26 enters the fire service of a district cannot be made more

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

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

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

21 (2) any person who has served a fire district as a
22 regularly enrolled volunteer, paid-on-call, or part-time
23 firefighter; or

24 (3) any person who turned 35 while serving as a member
25 of the active or reserve components of any of the branches
26 of the Armed Forces of the United States or the National

1 Guard of any state, whose service was characterized as
2 honorable or under honorable, if separated from the
3 military, and is currently under the age of 40.

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

6 No applicant shall be examined concerning his or her
7 political or religious opinions or affiliations. The
8 examinations shall be conducted by the commissioners of the
9 district or their designees and agents.

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

21 In the event that any applicant who has been found
22 eligible for appointment and whose name has been placed upon
23 the final eligibility register provided for in this Section
24 has not been appointed to a firefighter position within one
25 year after the date of his or her physical ability
26 examination, the commission may cause a second examination to

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

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

25 The examination and qualifying standards for employment of
26 firefighters shall be based on: mental aptitude, physical

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

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

18 (f) Physical ability. All candidates shall be required to
19 undergo an examination of their physical ability to perform
20 the essential functions included in the duties they may be
21 called upon to perform as a member of a fire department. For
22 the purposes of this Section, essential functions of the job
23 are functions associated with duties that a firefighter may be
24 called upon to perform in response to emergency calls. The
25 frequency of the occurrence of those duties as part of the fire
26 department's regular routine shall not be a controlling factor

1 in the design of examination criteria or evolutions selected
2 for testing. These physical examinations shall be open,
3 competitive, and based on industry standards designed to test
4 each applicant's physical abilities in the following
5 dimensions:

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

14 (2) The ability to climb ladders, operate from
15 heights, walk or crawl in the dark along narrow and uneven
16 surfaces, and operate in proximity to hazardous
17 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 Physical ability examinations administered under this
3 Section shall be conducted with a reasonable number of
4 proctors and monitors, open to the public, and subject to
5 reasonable regulations of the commission.

6 (g) Scoring of examination components. Appointing
7 authorities may create a preliminary eligibility register. A
8 person shall be placed on the list based upon his or her
9 passage of the written examination or the passage of the
10 written examination and the physical ability component.
11 Passage of the written examination means attaining the minimum
12 score set by the commission. Minimum scores should be set by
13 the appointing authorities so as to demonstrate a candidate's
14 ability to perform the essential functions of the job. The
15 minimum score set by the commission shall be supported by
16 appropriate validation evidence and shall comply with all
17 applicable State and federal laws. The appointing authority
18 may conduct the physical ability component and any subjective
19 components subsequent to the posting of the preliminary
20 eligibility register.

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

1 in subsection (d).

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

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

23 Commissions may conduct additional examinations, including
24 without limitation a polygraph test, after a final eligibility
25 register is established and before it expires with the
26 candidates ranked by total score without regard to date of

1 examination. No more than 60 days after each examination, an
2 initial eligibility list shall be posted by the commission
3 showing the final grades of the candidates without reference
4 to priority of time of examination and subject to claim for
5 preference credit.

6 (h) Preferences. The following are preferences:

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

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

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

1 the fire department.

2 (4) Paramedic preference. Persons who have obtained a
3 license as a paramedic may be preferred for appointment to
4 and employment with the fire department of an affected
5 department providing emergency medical services.

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

20 Upon request by the commission, the governing body of
21 the district or in the case of applicants from outside the
22 district the governing body of any other fire protection
23 district or any municipality shall certify to the
24 commission, within 10 days after the request, the number
25 of years of successful paid-on-call, part-time, or
26 full-time service of any person. A candidate may not

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

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

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

19 (7.5) Apprentice preferences. A person who has
20 performed fire suppression service for a department as a
21 firefighter apprentice and otherwise meets the
22 qualifications for original appointment as a firefighter
23 specified in this Section is eligible to be awarded up to
24 20 preference points. To qualify for preference points, an
25 applicant shall have completed a minimum of 600 hours of
26 fire suppression work on a regular shift for the affected

1 fire department over a 12-month period. The fire
2 suppression work must be in accordance with Section 16.06
3 of this Act and the terms established by a Joint
4 Apprenticeship Committee included in a collective
5 bargaining agreement agreed between the employer and its
6 certified bargaining agent. An eligible applicant must
7 apply to the Joint Apprenticeship Committee for preference
8 points under this item. The Joint Apprenticeship Committee
9 shall evaluate the merit of the applicant's performance,
10 determine the preference points to be awarded, and certify
11 the amount of points awarded to the commissioners. The
12 commissioners may add the certified preference points to
13 the final grades achieved by the applicant on the other
14 components of the examination.

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 may give preference for original appointment to
20 persons designated in item (7.5) by adding to the final
21 grade the amount of points designated by the Joint
22 Apprenticeship Committee as defined in item (7.5). The
23 commission shall determine the number of preference points
24 for each category, except (1) and (7.5). The number of
25 preference points for each category shall range from 0 to
26 5, except item (7.5). In determining the number of

1 preference points, the commission shall prescribe that if
2 a candidate earns the maximum number of preference points
3 in all categories except item (7.5), that number may not
4 be less than 10 nor more than 30. The commission shall give
5 preference for original appointment to persons designated
6 in items (2) through (7) by adding the requisite number of
7 points to the final grade for each recognized preference
8 achieved. The numerical result thus attained shall be
9 applied by the commission in determining the final
10 eligibility list and appointment from the eligibility
11 list. The local appointing authority may prescribe the
12 total number of preference points awarded under this
13 Section, but the total number of preference points, except
14 item (7.5), shall not be less than 10 points or more than
15 30 points. Apprentice preference points may be added in
16 addition to other preference points awarded by the
17 commission.

18 No person entitled to any preference shall be required to
19 claim the credit before any examination held under the
20 provisions of this Section, but the preference shall be given
21 after the posting or publication of the initial eligibility
22 list or register at the request of a person entitled to a
23 credit before any certification or appointments are made from
24 the eligibility register, upon the furnishing of verifiable
25 evidence and proof of qualifying preference credit. Candidates
26 who are eligible for preference credit shall make a claim in

1 writing within 10 days after the posting of the initial
2 eligibility list, or the claim shall be deemed waived. Final
3 eligibility registers shall be established after the awarding
4 of verified preference points. However, apprentice preference
5 credit earned subsequent to the establishment of the final
6 eligibility register may be applied to the applicant's score
7 upon certification by the Joint Apprenticeship Committee to
8 the commission and the rank order of candidates on the final
9 eligibility register shall be adjusted accordingly. All
10 employment shall be subject to the commission's initial hire
11 background review, including, but not limited to, criminal
12 history, employment history, moral character, oral
13 examination, and medical and psychological examinations, all
14 on a pass-fail basis. The medical and psychological
15 examinations must be conducted last, and may only be performed
16 after a conditional offer of employment has been 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
25 for original appointment after the names have been on the list
26 for more than 2 years.

1 (i) Moral character. No person shall be appointed to a
2 fire department unless he or she is a person of good character;
3 not 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 paragraphs
11 (1), (6), and (8) of subsection (a) of Section 24-1 of the
12 Criminal Code of 1961 or the Criminal Code of 2012, or arrest
13 for any cause without conviction thereon. Any such person who
14 is in the department may be removed on charges brought for
15 violating this subsection and after a trial as hereinafter
16 provided.

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

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

1 Illinois State Police Law of the Civil Administrative Code of
2 Illinois, the Illinois State Police is authorized to furnish,
3 pursuant to positive identification, the information contained
4 in State files as is necessary to fulfill the request.

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

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

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

23 (Source: P.A. 101-489, eff. 8-23-19; 102-375, eff. 8-13-21;
24 102-538, eff. 8-20-21; 102-558, eff. 8-20-21; 102-813, eff.
25 5-13-22.)

1 Section 90. The State Mandates Act is amended by adding
2 Section 8.49 as follows:

3 (30 ILCS 805/8.49 new)

4 Sec. 8.49. Exempt mandate. Notwithstanding Sections 6 and
5 8 of this Act, no reimbursement by the State is required for
6 the implementation of any mandate created by this amendatory
7 Act of the 104th General Assembly."