

1 AN ACT concerning local government.

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

4 Section 5. The Illinois Municipal Code is amended by
5 changing Section 10-2.1-4 and by adding Section 10-1-7.3 as
6 follows:

7 (65 ILCS 5/10-1-7.3 new)

8 Sec. 10-1-7.3. Appointment of fire chief. Notwithstanding
9 any other provision in this Division, after the effective date
10 of this amendatory Act of the 100th General Assembly, a person
11 shall not be appointed as the chief, the acting chief, the
12 department head, or a position, by whatever title, that is
13 responsible for day-to-day operations of a fire department for
14 greater than 180 days unless he or she possesses the following
15 qualifications and certifications:

16 (1) Office of the State Fire Marshal Firefighter Basic
17 Certification or Firefighter II Certification; Office of
18 the State Fire Marshal Fire Officer I and II
19 Certifications; and an associate degree in fire science or
20 a bachelor's degree from an accredited university or
21 college; or

22 (2) a minimum of 10 years' experience as a firefighter
23 at the fire department in the jurisdiction making the

1 appointment.

2 This Section applies to fire departments that employ
3 firefighters hired under Section 10-1-7.1 or 10-1-7.2 of this
4 Division.

5 (65 ILCS 5/10-2.1-4) (from Ch. 24, par. 10-2.1-4)

6 Sec. 10-2.1-4. Fire and police departments; Appointment of
7 members; Certificates of appointments. The board of fire and
8 police commissioners shall appoint all officers and members of
9 the fire and police departments of the municipality, including
10 the chief of police and the chief of the fire department,
11 unless the council or board of trustees shall by ordinance as
12 to them otherwise provide; except as otherwise provided in this
13 Section, and except that in any municipality which adopts or
14 has adopted this Division 2.1 and also adopts or has adopted
15 Article 5 of this Code, the chief of police and the chief of
16 the fire department shall be appointed by the municipal
17 manager, if it is provided by ordinance in such municipality
18 that such chiefs, or either of them, shall not be appointed by
19 the board of fire and police commissioners.

20 If the chief of the fire department or the chief of the
21 police department or both of them are appointed in the manner
22 provided by ordinance, they may be removed or discharged by the
23 appointing authority. In such case the appointing authority
24 shall file with the corporate authorities the reasons for such
25 removal or discharge, which removal or discharge shall not

1 become effective unless confirmed by a majority vote of the
2 corporate authorities.

3 After the effective date of this amendatory Act of the
4 100th General Assembly, a person shall not be appointed as the
5 chief, the acting chief, the department head, or a position, by
6 whatever title, that is responsible for day-to-day operations
7 of a fire department for greater than 180 days unless he or she
8 possesses the following qualifications and certifications:

9 (1) Office of the State Fire Marshal Firefighter Basic
10 Certification or Firefighter II Certification; Office of
11 the State Fire Marshal Fire Officer I and II
12 Certifications; and an associate degree in fire science or
13 a bachelor's degree from an accredited university or
14 college; or

15 (2) a minimum of 10 years' experience as a firefighter
16 at the fire department in the jurisdiction making the
17 appointment.

18 This paragraph applies to fire departments that employ
19 firefighters hired under the provisions of this Division.

20 If a member of the department is appointed chief of police
21 or chief of the fire department prior to being eligible to
22 retire on pension, he shall be considered as on furlough from
23 the rank he held immediately prior to his appointment as chief.
24 If he resigns as chief or is discharged as chief prior to
25 attaining eligibility to retire on pension, he shall revert to
26 and be established in whatever rank he currently holds, except

1 for previously appointed positions, and thereafter be entitled
2 to all the benefits and emoluments of that rank, without regard
3 as to whether a vacancy then exists in that rank.

4 All appointments to each department other than that of the
5 lowest rank, however, shall be from the rank next below that to
6 which the appointment is made except as otherwise provided in
7 this Section, and except that the chief of police and the chief
8 of the fire department may be appointed from among members of
9 the police and fire departments, respectively, regardless of
10 rank, unless the council or board of trustees shall have by
11 ordinance as to them otherwise provided. A chief of police or
12 the chief of the fire department, having been appointed from
13 among members of the police or fire department, respectively,
14 shall be permitted, regardless of rank, to take promotional
15 exams and be promoted to a higher classified rank than he
16 currently holds, without having to resign as chief of police or
17 chief of the fire department.

18 The sole authority to issue certificates of appointment
19 shall be vested in the Board of Fire and Police Commissioners
20 and all certificates of appointments issued to any officer or
21 member of the fire or police department of a municipality shall
22 be signed by the chairman and secretary respectively of the
23 board of fire and police commissioners of such municipality,
24 upon appointment of such officer or member of the fire and
25 police department of such municipality by action of the board
26 of fire and police commissioners. In any municipal fire

1 department that employs full-time firefighters and is subject
2 to a collective bargaining agreement, a person who has not
3 qualified for regular appointment under the provisions of this
4 Division 2.1 shall not be used as a temporary or permanent
5 substitute for classified members of a municipality's fire
6 department or for regular appointment as a classified member of
7 a municipality's fire department unless mutually agreed to by
8 the employee's certified bargaining agent. Such agreement
9 shall be considered a permissive subject of bargaining.
10 Municipal fire departments covered by the changes made by this
11 amendatory Act of the 95th General Assembly that are using
12 non-certificated employees as substitutes immediately prior to
13 the effective date of this amendatory Act of the 95th General
14 Assembly may, by mutual agreement with the certified bargaining
15 agent, continue the existing practice or a modified practice
16 and that agreement shall be considered a permissive subject of
17 bargaining. A home rule unit may not regulate the hiring of
18 temporary or substitute members of the municipality's fire
19 department in a manner that is inconsistent with this Section.
20 This Section is a limitation under subsection (i) of Section 6
21 of Article VII of the Illinois Constitution on the concurrent
22 exercise by home rule units of powers and functions exercised
23 by the State.

24 The term "policemen" as used in this Division does not
25 include auxiliary police officers except as provided for in
26 Section 10-2.1-6.

1 Any full time member of a regular fire or police department
2 of any municipality which comes under the provisions of this
3 Division or adopts this Division 2.1 or which has adopted any
4 of the prior Acts pertaining to fire and police commissioners,
5 is a city officer.

6 Notwithstanding any other provision of this Section, the
7 Chief of Police of a department in a non-home rule municipality
8 of more than 130,000 inhabitants may, without the advice or
9 consent of the Board of Fire and Police Commissioners, appoint
10 up to 6 officers who shall be known as deputy chiefs or
11 assistant deputy chiefs, and whose rank shall be immediately
12 below that of Chief. The deputy or assistant deputy chiefs may
13 be appointed from any rank of sworn officers of that
14 municipality, but no person who is not such a sworn officer may
15 be so appointed. Such deputy chief or assistant deputy chief
16 shall have the authority to direct and issue orders to all
17 employees of the Department holding the rank of captain or any
18 lower rank. A deputy chief of police or assistant deputy chief
19 of police, having been appointed from any rank of sworn
20 officers of that municipality, shall be permitted, regardless
21 of rank, to take promotional exams and be promoted to a higher
22 classified rank than he currently holds, without having to
23 resign as deputy chief of police or assistant deputy chief of
24 police.

25 Notwithstanding any other provision of this Section, a
26 non-home rule municipality of 130,000 or fewer inhabitants,

1 through its council or board of trustees, may, by ordinance,
2 provide for a position of deputy chief to be appointed by the
3 chief of the police department. The ordinance shall provide for
4 no more than one deputy chief position if the police department
5 has fewer than 25 full-time police officers and for no more
6 than 2 deputy chief positions if the police department has 25
7 or more full-time police officers. The deputy chief position
8 shall be an exempt rank immediately below that of Chief. The
9 deputy chief may be appointed from any rank of sworn, full-time
10 officers of the municipality's police department, but must have
11 at least 5 years of full-time service as a police officer in
12 that department. A deputy chief shall serve at the discretion
13 of the Chief and, if removed from the position, shall revert to
14 the rank currently held, without regard as to whether a vacancy
15 exists in that rank. A deputy chief of police, having been
16 appointed from any rank of sworn full-time officers of that
17 municipality's police department, shall be permitted,
18 regardless of rank, to take promotional exams and be promoted
19 to a higher classified rank than he currently holds, without
20 having to resign as deputy chief of police.

21 No municipality having a population less than 1,000,000
22 shall require that any firefighter appointed to the lowest rank
23 serve a probationary employment period of longer than one year.
24 The limitation on periods of probationary employment provided
25 in this amendatory Act of 1989 is an exclusive power and
26 function of the State. Pursuant to subsection (h) of Section 6

1 of Article VII of the Illinois Constitution, a home rule
2 municipality having a population less than 1,000,000 must
3 comply with this limitation on periods of probationary
4 employment, which is a denial and limitation of home rule
5 powers. Notwithstanding anything to the contrary in this
6 Section, the probationary employment period limitation may be
7 extended for a firefighter who is required, as a condition of
8 employment, to be a licensed paramedic, during which time the
9 sole reason that a firefighter may be discharged without a
10 hearing is for failing to meet the requirements for paramedic
11 licensure.

12 To the extent that this Section or any other Section in
13 this Division conflicts with Section 10-2.1-6.3 or 10-2.1-6.4,
14 then Section 10-2.1-6.3 or 10-2.1-6.4 shall control.

15 (Source: P.A. 97-251, eff. 8-4-11; 97-813, eff. 7-13-12;
16 98-973, eff. 8-15-14.)

17 Section 10. The Fire Protection District Act is amended by
18 adding Section 16.04b as follows:

19 (70 ILCS 705/16.04b new)

20 Sec. 16.04b. Appointment of fire chief. Notwithstanding
21 any other provision in this Act, after the effective date of
22 this amendatory Act of the 100th General Assembly, a person
23 shall not be appointed as the chief, the acting chief, the
24 department head, or a position, by whatever title, that is

1 responsible for day-to-day operations of a fire protection
2 district for greater than 180 days unless he or she possesses
3 the following qualifications and certifications:

4 (1) Office of the State Fire Marshal Firefighter Basic
5 Certification or Firefighter II Certification; Office of
6 the State Fire Marshal Fire Officer I and II
7 Certifications; and an associate degree in fire science or
8 a bachelor's degree from an accredited university or
9 college; or

10 (2) a minimum of 10 years' experience as a firefighter
11 in the fire protection district of the jurisdiction making
12 the appointment.

13 This Section applies to fire protection districts that
14 employ firefighters hired under the provisions of this Act.

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