



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5787

Introduced 2/10/2010, by Rep. Michael K. Smith

SYNOPSIS AS INTRODUCED:

65 ILCS 5/10-1-7	from Ch. 24, par. 10-1-7
65 ILCS 5/10-1-7.1 new	
65 ILCS 5/10-1-7.2 new	
65 ILCS 5/10-2.1-4	from Ch. 24, par. 10-2.1-4
65 ILCS 5/10-2.1-6.3 new	
65 ILCS 5/10-2.1-6.4 new	
70 ILCS 705/16.04a	from Ch. 127 1/2, par. 37.04a
70 ILCS 705/16.06b new	
70 ILCS 705/16.06c new	

Amends the Illinois Municipal Code and the Fire Protection District Act. Sets forth alternative procedures for appointments to full-time fire departments. Provides for the creation of a register of eligibles for original appointments to fire departments. Sets forth the requirements for placement on the register of eligibles. Provides that a local commission may also hire from a statewide master register of eligibles for original appointments. Sets forth the requirements for placement on the master register. Provides for the award of preference points for eligible persons. Sets forth the procedure for awarding preference points for fire cadet, veteran, paramedic, educational, and experience preferences. Denies home rule powers. Contains other provisions. Effective immediately.

LRB096 16931 RLJ 32244 b

HOME RULE NOTE
ACT MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 Sections 10-1-7 and 10-2.1-4 and by adding Sections
6 10-1-7.1, 10-1-7.2, 10-2.1-6.3, and 10-2.1-6.4 as follows:

7 (65 ILCS 5/10-1-7) (from Ch. 24, par. 10-1-7)

8 Sec. 10-1-7. Examination of applicants; disqualifications.

9 (a) All applicants for offices or places in the classified
10 service, except those mentioned in Section 10-1-17, are subject
11 to examination. The examination shall be public, competitive,
12 and open to all citizens of the United States, with specified
13 limitations as to residence, age, health, habits and moral
14 character.

15 (b) Residency requirements in effect at the time an
16 individual enters the fire or police service of a municipality
17 (other than a municipality that has more than 1,000,000
18 inhabitants) cannot be made more restrictive for that
19 individual during his or her period of service for that
20 municipality, or be made a condition of promotion, except for
21 the rank or position of Fire or Police Chief.

22 (c) No person with a record of misdemeanor convictions
23 except those under Sections 11-6, 11-7, 11-9, 11-14, 11-15,

1 11-17, 11-18, 11-19, 12-2, 12-6, 12-15, 14-4, 16-1, 21.1-3,
2 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6, 31-7, 32-1, 32-2,
3 32-3, 32-4, 32-8, and subsections (1), (6) and (8) of Section
4 24-1 of the Criminal Code of 1961 or arrested for any cause but
5 not convicted on that cause shall be disqualified from taking
6 the examination on grounds of habits or moral character, unless
7 the person is attempting to qualify for a position on the
8 police department, in which case the conviction or arrest may
9 be considered as a factor in determining the person's habits or
10 moral character.

11 (d) Persons entitled to military preference under Section
12 10-1-16 shall not be subject to limitations specifying age
13 unless they are applicants for a position as a fireman or a
14 policeman having no previous employment status as a fireman or
15 policeman in the regularly constituted fire or police
16 department of the municipality, in which case they must not
17 have attained their 35th birthday, except any person who has
18 served as an auxiliary police officer under Section 3.1-30-20
19 for at least 5 years and is under 40 years of age.

20 (e) All employees of a municipality of less than 500,000
21 population (except those who would be excluded from the
22 classified service as provided in this Division 1) who are
23 holding that employment as of the date a municipality adopts
24 this Division 1, or as of July 17, 1959, whichever date is the
25 later, and who have held that employment for at least 2 years
26 immediately before that later date, and all firemen and

1 policemen regardless of length of service who were either
2 appointed to their respective positions by the board of fire
3 and police commissioners under the provisions of Division 2 of
4 this Article or who are serving in a position (except as a
5 temporary employee) in the fire or police department in the
6 municipality on the date a municipality adopts this Division 1,
7 or as of July 17, 1959, whichever date is the later, shall
8 become members of the classified civil service of the
9 municipality without examination.

10 (f) The examinations shall be practical in their character,
11 and shall relate to those matters that will fairly test the
12 relative capacity of the persons examined to discharge the
13 duties of the positions to which they seek to be appointed. The
14 examinations shall include tests of physical qualifications,
15 health, and (when appropriate) manual skill. If an applicant is
16 unable to pass the physical examination solely as the result of
17 an injury received by the applicant as the result of the
18 performance of an act of duty while working as a temporary
19 employee in the position for which he or she is being examined,
20 however, the physical examination shall be waived and the
21 applicant shall be considered to have passed the examination.
22 No questions in any examination shall relate to political or
23 religious opinions or affiliations. Results of examinations
24 and the eligible registers prepared from the results shall be
25 published by the commission within 60 days after any
26 examinations are held.

1 (g) The commission shall control all examinations, and may,
2 whenever an examination is to take place, designate a suitable
3 number of persons, either in or not in the official service of
4 the municipality, to be examiners. The examiners shall conduct
5 the examinations as directed by the commission and shall make a
6 return or report of the examinations to the commission. If the
7 appointed examiners are in the official service of the
8 municipality, the examiners shall not receive extra
9 compensation for conducting the examinations. The commission
10 may at any time substitute any other person, whether or not in
11 the service of the municipality, in the place of any one
12 selected as an examiner. The commission members may themselves
13 at any time act as examiners without appointing examiners. The
14 examiners at any examination shall not all be members of the
15 same political party.

16 (h) In municipalities of 500,000 or more population, no
17 person who has attained his or her 35th birthday shall be
18 eligible to take an examination for a position as a fireman or
19 a policeman unless the person has had previous employment
20 status as a policeman or fireman in the regularly constituted
21 police or fire department of the municipality, except as
22 provided in this Section.

23 (i) In municipalities of more than 5,000 but not more than
24 200,000 inhabitants, no person who has attained his or her 35th
25 birthday shall be eligible to take an examination for a
26 position as a fireman or a policeman unless the person has had

1 previous employment status as a policeman or fireman in the
2 regularly constituted police or fire department of the
3 municipality, except as provided in this Section.

4 (j) In all municipalities, applicants who are 20 years of
5 age and who have successfully completed 2 years of law
6 enforcement studies at an accredited college or university may
7 be considered for appointment to active duty with the police
8 department. An applicant described in this subsection (j) who
9 is appointed to active duty shall not have power of arrest, nor
10 shall the applicant be permitted to carry firearms, until he or
11 she reaches 21 years of age.

12 (k) In municipalities of more than 500,000 population,
13 applications for examination for and appointment to positions
14 as firefighters or police shall be made available at various
15 branches of the public library of the municipality.

16 (l) No municipality having a population less than 1,000,000
17 shall require that any fireman appointed to the lowest rank
18 serve a probationary employment period of longer than one year.
19 The limitation on periods of probationary employment provided
20 in this amendatory Act of 1989 is an exclusive power and
21 function of the State. Pursuant to subsection (h) of Section 6
22 of Article VII of the Illinois Constitution, a home rule
23 municipality having a population less than 1,000,000 must
24 comply with this limitation on periods of probationary
25 employment, which is a denial and limitation of home rule
26 powers. Notwithstanding anything to the contrary in this

1 Section, the probationary employment period limitation may be
2 extended for a firefighter who is required, as a condition of
3 employment, to be a certified paramedic, during which time the
4 sole reason that a firefighter may be discharged without a
5 hearing is for failing to meet the requirements for paramedic
6 certification.

7 (m) To the extent that this Section or any other Section in
8 this Division conflicts with Section 10-1-7.1 or 10-1-7.2, then
9 Section 10-1-7.1 or 10-1-7.2 shall control.

10 (Source: P.A. 94-135, eff. 7-7-05; 94-984, eff. 6-30-06.)

11 (65 ILCS 5/10-1-7.1 new)

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

14 (a) Applicability. Unless a commission elects to follow the
15 provisions of Section 10-1-7.2, this Section shall apply to all
16 original appointments to an affected full-time fire
17 department. Existing registers of eligibles shall continue to
18 be valid until their expiration dates, or up to a maximum of 2
19 years after the effective date of this amendatory Act of the
20 96th General Assembly.

21 Notwithstanding any statute, ordinance, rule, or other law
22 to the contrary, all original appointments to an affected
23 department to which this Section applies shall be administered
24 in the manner provided for in this Section. Provisions of the
25 Illinois Municipal Code, municipal ordinances, or rules

1 adopted pursuant to such authority and other laws relating to
2 initial hiring of firefighters in affected departments shall
3 continue to apply to the extent they are compatible with this
4 Section, but in the event of a conflict between this Section
5 and any other law, this Section shall control.

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

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

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

1 the final eligibility list, except that the appointing
2 authority shall have the right to pass over that person and
3 appoint the next highest ranked person on the list if the
4 appointing authority has reason to conclude that the highest
5 ranked person fails to meet the minimum standards for the
6 position after a conditional offer of employment has been made.
7 Any candidate may pass on an appointment once without losing
8 his or her position on the register of eligibles. Any candidate
9 who passes a second time shall be removed from the list
10 provided that such action shall not prejudice a person's
11 opportunities to participate in future examinations, including
12 an examination held during the time a candidate is already on
13 the municipality's register of eligibles.

14 The sole authority to issue certificates of appointment
15 shall be vested in the Civil Service Commission. All
16 certificates of appointment issued to any officer or member of
17 an affected department shall be signed by the chairperson and
18 secretary, respectively, of the commission upon appointment of
19 such officer or member to the affected department by the
20 commission. All persons who accept a certificate of appointment
21 and successfully complete their probationary period shall be
22 enrolled as regular members of the fire department.

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

1 perform the duties required of members of the fire department
2 in order to provide the highest quality of service to the
3 public. To this end all applicants for original appointment to
4 an affected fire department shall be subject to examination and
5 testing which shall be public, competitive, and open to all
6 applicants unless the municipality shall by ordinance limit
7 applicants to electors of the municipality, county, State, or
8 nation. Municipalities may establish educational, emergency
9 medical service licensure, and other pre-requisites for
10 participation in an examination or for hire as a firefighter.
11 Any fee to cover the costs of the application process shall not
12 exceed \$25.

13 Residency requirements in effect at the time an individual
14 enters the fire service of a municipality (other than a
15 municipality that has more than 1,000,000 inhabitants) cannot
16 be made more restrictive for that individual during his or her
17 period of service for that municipality, or be made a condition
18 of 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 the
21 Fire Department Promotion Act.

22 No person who has attained his or her 35th birthday shall
23 be eligible to take an examination for a position as a
24 firefighter unless the person has had previous employment
25 status as a firefighter in the regularly constituted fire
26 department of the municipality, except as provided in this

1 Section. The age limitation does not apply to:

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

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

16 Applicants who are 18 years of age and who have
17 successfully completed 2 years of study in fire techniques,
18 amounting to a total of 4 high school credits, within the cadet
19 program of a municipality or a fire protection district may be
20 considered for appointment to active duty with the fire
21 department of any municipality.

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

26 No municipality having a population less than 1,000,000

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

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

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

4 (d) Notice, examination, and testing components. Notice of
5 the time, place, general scope, and fee of every examination
6 shall be given by the commission, by a publication at least 2
7 weeks preceding the examination, in one or more newspapers
8 published in the municipality, or if no newspaper is published
9 therein, then in one or more newspapers with a general
10 circulation within the municipality. Additional notice of the
11 examination may be given as the commission shall prescribe.

12 The examination and qualifying standards for employment of
13 firefighters shall be based on: mental aptitude, physical
14 ability, preferences, moral character, and health. The mental
15 aptitude, physical ability, and preference components will
16 determine an applicant's qualification for and placement on the
17 final register of eligibles. The consideration of an
18 applicant's general moral character and health shall be
19 administered on a pass-fail basis after a conditional offer of
20 employment is made by the commission.

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

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

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

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

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

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

6 (3) The ability to carry out critical, time-sensitive,
7 complex problem solving during physical exertion in
8 stressful and hazardous environments, including hot, dark,
9 tightly enclosed spaces, that is further aggravated by
10 fatigue, flashing lights, sirens, and other distractions.

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

15 (g) Scoring of examination components. The examination
16 components shall be graded on a 100-point scale. A person's
17 position on the list shall be determined by the following: (i)
18 the person's score on the written examination, (ii) the person
19 successfully passing the physical ability component, and (iii)
20 the addition of any applicable preference points.

21 Applicants who pass both the written examination and the
22 physical ability examination shall be placed on the initial
23 eligibility register. The passing score for each of these test
24 components shall be determined by calculating a mean score for
25 all applicants participating in each test. In order to qualify
26 for placement on the final eligibility register, an applicant's

1 total score, including any applicable preference points, shall
2 be at or above the mean score plus 20%.

3 The commission shall prepare and keep a register of persons
4 whose total score is not less than the minimum fixed by this
5 Section. These persons shall take rank upon the register as
6 candidates in the order of their relative excellence based on
7 the highest to the lowest total points scored on the mental
8 aptitude, physical ability, and preference components of the
9 test administered in accordance with this Section.

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

18 (h) Preferences. The following are preferences:

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

1 (2) Fire cadet preference. Persons who have
2 successfully completed 2 years of study in fire techniques
3 or cadet training within a cadet program established under
4 the rules of the commission of any municipality or fire
5 district shall be preferred for appointment and employment
6 in the fire department.

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

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

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

1 outside the municipality who were employed as full-time
2 firefighters or firefighter-paramedics by a fire
3 protection district or another municipality for at least 2
4 years shall have the same preference as paid-on-call or
5 part-time personnel. These additional points presuppose a
6 rating scale totaling 100 points available for the
7 eligibility list. If more or fewer points are used in the
8 rating scale for the eligibility list, the points awarded
9 under this subsection shall be increased or decreased by a
10 factor equal to the total possible points available for the
11 examination divided by 100.

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

1 awarded. Any remaining ties on the list shall be determined
2 by lot.

3 (6) Scoring of preferences. Preference points shall be
4 awarded in the order listed in items (1) through (5). The
5 commission shall give preference for original appointment
6 to persons designated in items (1) through (4) by adding to
7 the final grade which they receive 5 points for each
8 recognized preference achieved. Experience preference of
9 up to 5 points shall then be added in accordance with item
10 (5). The numerical result thus attained shall be applied by
11 the commission in determining the final eligibility list
12 and appointment from such eligibility list.

13 No person entitled to any preference shall be required to
14 claim such credit before any examination held under the
15 provisions of this Section but such preference shall be given
16 after the posting or publication of the initial eligibility
17 list or register at the request of a person entitled to a
18 credit before any certification or appointments are made from
19 the eligibility register, upon the furnishing of verifiable
20 evidence and proof of qualifying preference credit. Candidates
21 who are eligible for preference credit shall make a claim in
22 writing within 10 days after the posting of the initial
23 eligibility list or such claim shall be deemed waived. Final
24 eligibility registers shall be established after the awarding
25 of verified preference points, and appointment from the final
26 register shall be subject to the applicant passing the

1 qualifying standards for moral character and health. All
2 conditional offers of employment shall be subject to the
3 commission's initial hire background review including criminal
4 history, employment history, moral character, oral
5 examination, and medical examinations all on a pass-fail basis,
6 with the medical examinations to be conducted last.

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

14 The commission shall strike off the names of candidates for
15 original appointment after the names have been on the list for
16 more than 3 years.

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

1 1, 6, and 8 of Section 24-1 of the Criminal Code of 1961 or
2 arrest for any cause without conviction thereon. Any such
3 person who is in the department may be removed on charges
4 brought for violating this subsection and after a trial as
5 hereinafter 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 Department of State Police and to the
10 Federal 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 for
13 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 State Police Law of the Civil Administrative Code of Illinois,
17 the Department of State Police is authorized to furnish,
18 pursuant to positive identification, such information
19 contained in State files as is necessary to fulfill the
20 request.

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

1 appointment of any one person shall be made more than twice in
2 any calendar year.

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

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

13 (65 ILCS 5/10-1-7.2 new)

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

16 (a) Authority. The State Fire Marshal shall be authorized
17 to enter into intergovernmental agreements with local
18 commissions to provide for the recruitment of applicants and to
19 conduct testing of interested applicants on a regional or
20 statewide basis for the purpose of establishing a master
21 register of eligibles for firefighters and
22 firefighter-paramedics.

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

25 Persons who have participated in and received a passing

1 total score on the mental aptitude, physical ability, and
2 preference components of a regionally administered test
3 based on the standards described in this Section. The
4 standards for administering such tests and the minimum
5 passing score required for placement on this list shall be
6 as is set forth in this Section.

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

16 Any person currently employed as a full-time member of
17 a fire department appointed pursuant to this Division,
18 Division 2.1 of Article 10 of the Illinois Municipal Code,
19 or the Fire Protection District Act and who during the
20 previous 12 months participated in and received a passing
21 score on the physical ability component of the test may
22 request that his or her name be added to the master
23 register. Any eligible person may be offered employment by
24 a local commission under the same procedures as provided by
25 this Section except that the apprenticeship period may be
26 waived and the applicant may be immediately issued a

1 certificate of original appointment by the local
2 commission.

3 (c) Qualifications for placement on register of eligibles.

4 The purpose for establishing a master register of eligibles
5 shall be to identify applicants who possess and demonstrate the
6 mental aptitude, physical ability, and qualities of character
7 to perform the duties required of members of the fire
8 department in order to provide the highest quality of service
9 to the public. To this end all applicants for original
10 appointment to an affected fire department through examination
11 conducted by a regional process, shall be subject to
12 examination and testing which shall be public, competitive, and
13 open to all applicants. All qualifying and disqualifying
14 factors applicable to examination processes for local
15 commissions in this amendatory Act shall be applicable to
16 persons participating in regional examinations unless
17 specifically provided otherwise in this Section.

18 Notice of the time, place, general scope, and fee of every
19 regional examination shall be given by the Fire Marshal or
20 designated testing agency, as applicable, by publication at
21 least 2 weeks preceding the examination, in one or more
22 newspapers published in the region, or if no newspaper is
23 published therein, then in one or more newspapers of general
24 circulation within the region. Additional notice of the
25 examination may be given as the Fire Marshal shall prescribe.

26 (d) Examination and testing components for placement on

1 register of eligibles. The examination and qualifying
2 standards for placement on the master register of eligibles and
3 employment shall be based on the following components: mental
4 aptitude, physical ability, preferences, moral character, and
5 health. The mental aptitude, physical ability, and preference
6 components will determine an applicant's qualification for and
7 placement on the master register of eligibles. The
8 consideration of an applicant's general moral character and
9 health shall be administered on a pass-fail basis after a
10 conditional offer of employment is made by a local commission.

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

25 (f) Physical ability. All candidates shall be required to
26 undergo an examination of their physical ability to perform the

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

15 (1) Muscular strength to perform tasks and evolutions
16 that may be required in the performance of duties including
17 grip strength, leg strength, and arm strength. Tests shall
18 be conducted under anaerobic as well as aerobic conditions
19 to test both the candidate's speed and endurance in
20 performing tasks and evolutions. Tasks tested are to be
21 based on industry standards developed by the State Fire
22 Marshal by rule.

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

26 (3) The ability to carry out critical, time-sensitive,

1 complex problem solving during physical exertion in
2 stressful, hazardous environments, including hot, dark,
3 tightly enclosed spaces, that is further aggravated by
4 fatigue, flashing lights, sirens, and other distractions.

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

12 Applicants who have achieved at least the mean score of all
13 applicants participating in the written examination at the same
14 time, and who successfully pass the physical ability
15 examination will be placed on the initial eligibility register.
16 For placement on the final eligibility register, the passing
17 score shall be determined by (i) calculating the mean score for
18 all applicants participating in the written test; and (ii)
19 adding 20% to the mean score. Applicants whose total scores,
20 including any applicable preference points, are above the mean
21 score plus 20%, shall be placed on the master register of
22 eligibles by the State Fire Marshal.

23 These persons shall take rank upon the register as
24 candidates in the order of their relative excellence based on
25 the highest to the lowest total points scored on the mental
26 aptitude and physical ability components, plus any applicable

1 preference points requested and verified by the State Fire
2 Marshal, or approved testing agency.

3 No later than 60 days after each examination, a revised
4 master register of eligibles shall be posted by the Fire
5 Marshal which shall show the final grades of the candidates
6 without reference to priority of time of examination.

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

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

24 (i) Firefighter apprentice and firefighter-paramedic
25 apprentice. The employment of an applicant to an apprentice
26 position (including a currently employed full-time member of a

1 fire department whose apprenticeship may be reduced or waived)
2 shall be subject to the applicant passing the moral character
3 standards and health examinations of the local commission. In
4 addition, a local commission may require as a condition of
5 employment that the applicant demonstrate current physical
6 ability by either passing the local commission's approved
7 physical ability examination, or by presenting proof of
8 participating in and receiving a passing score on the physical
9 ability component of a regional test within a period of up to
10 12 months before the date of the conditional offer of
11 employment. All conditional offers of employment shall be
12 subject to the local commission's initial hire background
13 review including criminal history, employment history, moral
14 character, oral examination, and medical examinations all on a
15 pass-fail basis, with the medical examinations to be conducted
16 last.

17 (j) Selection from list. Any municipality or fire
18 protection district that is a party to an intergovernmental
19 agreement under the terms of which persons have been tested for
20 placement on the master register of eligibles shall be entitled
21 to offer employment to any person on the list irrespective of
22 their ranking on the list. The offer of employment shall be to
23 the _____ position _____ of _____ firefighter _____ apprentice _____ or
24 firefighter-paramedic apprentice.

25 Applicants passing such tests may be employed as a
26 firefighter apprentice or a firefighter-paramedic apprentice

1 who shall serve an apprenticeship period of 12 months or less
2 according to such terms and conditions of employment as the
3 employing municipality or district offers, or as provided for
4 under the terms of any collective bargaining agreement then in
5 effect. Any probationary period set by the local commission
6 shall apply to all new members.

7 Service during the apprenticeship period shall be on a
8 probationary basis. During the apprenticeship period the
9 apprentice's training and performance shall be monitored and
10 evaluated by a Joint Apprenticeship Committee.

11 The Joint Apprenticeship Committee shall consist of 4
12 members who shall be regular members of the fire department
13 with at least 10 years of full-time work experience as a
14 firefighter or firefighter-paramedic. The fire chief and the
15 president of the exclusive bargaining representative
16 recognized by the employer shall each appoint 2 members to the
17 Joint Apprenticeship Committee. In the absence of an exclusive
18 collective bargaining representative, the chief shall appoint
19 the remaining 2 members who shall be from the ranks of company
20 officer and firefighter with at least 10 years of work
21 experience as a firefighter or firefighter-paramedic. In the
22 absence of a sufficient number of qualified firefighters, the
23 Joint Apprenticeship Committee members shall have the amount of
24 experience and the type of qualifications as is reasonable
25 given the circumstances of the fire department. In the absence
26 of a full-time member in a rank between chief and the highest

1 rank in a bargaining unit, the Joint Apprenticeship Committee
2 shall be reduced to 2 members, one to be appointed by the chief
3 and one by the union president, if any. If there is no
4 exclusive bargaining representative, the chief shall appoint
5 the second member of the Joint Apprenticeship Committee from
6 among qualified members in the ranks of company officer and
7 below. Before the conclusion of the apprenticeship period, the
8 Joint Apprenticeship Committee shall meet to consider the
9 apprentice's progress and performance and vote to retain the
10 apprentice as a member of the fire department or to terminate
11 the apprenticeship. If 3 of the 4 members of the Joint
12 Apprenticeship Committee affirmatively vote to retain the
13 apprentice (if a 2 member Joint Apprenticeship Committee
14 exists, then both members must affirmatively vote to retain the
15 apprentice), the local commission shall issue the apprentice a
16 certificate of original appointment to the fire department.

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

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

1 (65 ILCS 5/10-2.1-4) (from Ch. 24, par. 10-2.1-4)

2 Sec. 10-2.1-4. Fire and police departments; Appointment of
3 members; Certificates of appointments.

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

16 If the chief of the fire department or the chief of the
17 police department or both of them are appointed in the manner
18 provided by ordinance, they may be removed or discharged by the
19 appointing authority. In such case the appointing authority
20 shall file with the corporate authorities the reasons for such
21 removal or discharge, which removal or discharge shall not
22 become effective unless confirmed by a majority vote of the
23 corporate authorities.

24 If a member of the department is appointed chief of police
25 or chief of the fire department prior to being eligible to

1 retire on pension, he shall be considered as on furlough from
2 the rank he held immediately prior to his appointment as chief.
3 If he resigns as chief or is discharged as chief prior to
4 attaining eligibility to retire on pension, he shall revert to
5 and be established in whatever rank he currently holds, except
6 for previously appointed positions, and thereafter be entitled
7 to all the benefits and emoluments of that rank, without regard
8 as to whether a vacancy then exists in that rank.

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

23 The sole authority to issue certificates of appointment
24 shall be vested in the Board of Fire and Police Commissioners
25 and all certificates of appointments issued to any officer or
26 member of the fire or police department of a municipality shall

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

1 exercise by home rule units of powers and functions exercised
2 by the State.

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

6 Any full time member of a regular fire or police department
7 of any municipality which comes under the provisions of this
8 Division or adopts this Division 2.1 or which has adopted any
9 of the prior Acts pertaining to fire and police commissioners,
10 is a city officer.

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

1 classified rank than he currently holds, without having to
2 resign as deputy chief of police or assistant deputy chief of
3 police.

4 Notwithstanding any other provision of this Section, a
5 non-homerule municipality of 130,000 or fewer inhabitants,
6 through its council or board of trustees, may, by ordinance,
7 provide for a position of deputy chief to be appointed by the
8 chief of the police department. The ordinance shall provide for
9 no more than one deputy chief position if the police department
10 has fewer than 25 full-time police officers and for no more
11 than 2 deputy chief positions if the police department has 25
12 or more full-time police officers. The deputy chief position
13 shall be an exempt rank immediately below that of Chief. The
14 deputy chief may be appointed from any rank of sworn, full-time
15 officers of the municipality's police department, but must have
16 at least 5 years of full-time service as a police officer in
17 that department. A deputy chief shall serve at the discretion
18 of the Chief and, if removed from the position, shall revert to
19 the rank currently held, without regard as to whether a vacancy
20 exists in that rank. A deputy chief of police, having been
21 appointed from any rank of sworn full-time officers of that
22 municipality's police department, shall be permitted,
23 regardless of rank, to take promotional exams and be promoted
24 to a higher classified rank than he currently holds, without
25 having to resign as deputy chief of police.

26 No municipality having a population less than 1,000,000

1 shall require that any firefighter appointed to the lowest rank
2 serve a probationary employment period of longer than one year.
3 The limitation on periods of probationary employment provided
4 in this amendatory Act of 1989 is an exclusive power and
5 function of the State. Pursuant to subsection (h) of Section 6
6 of Article VII of the Illinois Constitution, a home rule
7 municipality having a population less than 1,000,000 must
8 comply with this limitation on periods of probationary
9 employment, which is a denial and limitation of home rule
10 powers. Notwithstanding anything to the contrary in this
11 Section, the probationary employment period limitation may be
12 extended for a firefighter who is required, as a condition of
13 employment, to be a certified paramedic, during which time the
14 sole reason that a firefighter may be discharged without a
15 hearing is for failing to meet the requirements for paramedic
16 certification.

17 To the extent that this Section or any other Section in
18 this Division conflicts with Section 10-2.1-6.3 or 10-2.1-6.4,
19 then Section 10-2.1-6.3 or 10-2.1-6.4 shall control.

20 (Source: P.A. 94-135, eff. 7-7-05; 94-984, eff. 6-30-06;
21 95-490, eff. 6-1-08.)

22 (65 ILCS 5/10-2.1-6.3 new)

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

25 (a) Applicability. Unless a commission elects to follow the

1 provisions of Section 10-2.1-6.4, this Section shall apply to
2 all original appointments to an affected full-time fire
3 department. Existing registers of eligibles shall continue to
4 be valid until their expiration dates, or up to a maximum of 2
5 years after the effective date of this amendatory Act of the
6 96th General Assembly.

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

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

24 (b) Original appointments. All original appointments made
25 to an affected fire department shall be made from a register of
26 eligibles established in accordance with the processes

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

5 Whenever an appointing authority authorizes action to hire
6 a firefighter to fill a new position or vacancy due to
7 resignation, discharge, promotion, death, the granting of a
8 disability or retirement pension, or any other cause, the
9 appointing authority shall appoint to that position the person
10 with the highest ranking on the final eligibility list, except
11 that the appointing authority shall have the right to pass over
12 that person and appoint the next highest ranked person on the
13 list if the appointing authority has reason to conclude that
14 the highest ranked person fails to meet the minimum standards
15 for the position after a conditional offer of employment has
16 been made.

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

24 The sole authority to issue certificates of appointment
25 shall be vested in the board of fire and police commissioners.
26 All certificates of appointments issued to any officer or

1 member of an affected department shall be signed by the
2 chairperson and secretary, respectively, of the board upon
3 appointment of such officer or member to the affected
4 department by action of the board. Persons who have accepted
5 certificates of appointment and successfully completed their
6 probationary period shall be classified as regular members of
7 the fire department.

8 (c) Qualification for placement on register of eligibles.
9 The purpose of establishing a register of eligibles is to
10 provide the highest quality of service to the public by
11 identifying applicants who possess and demonstrate the mental
12 aptitude, physical ability, and qualities of character to
13 perform the duties required of members of the fire department.
14 To this end all applicants for original appointment to an
15 affected fire department shall be subject to examination and
16 testing which shall be public, competitive, and open to all
17 applicants unless the municipality shall by ordinance limit
18 applicants to electors of the municipality, county, State, or
19 nation. Municipalities may establish educational, emergency
20 medical service licensure, and other pre-requisites for
21 participation in an examination, or for hire as a firefighter.
22 Any fee to cover the costs of the application process shall not
23 exceed \$25.

24 Residency requirements in effect at the time an individual
25 enters the fire service of a municipality (other than a
26 municipality that has more than 1,000,000 inhabitants) cannot

1 be made more restrictive for that individual during his or her
2 period of service for that municipality, or be made a condition
3 of promotion, except for the rank or position of fire chief and
4 for up to 2 individuals holding the rank immediately below that
5 of the chief rank which are appointed positions pursuant to the
6 Fire Department Promotion Act.

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

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

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

1 Applicants who are 18 years of age and who have
2 successfully completed 2 years of study in fire techniques,
3 amounting to a total of 4 high school credits, within the cadet
4 program of a municipality fire protection district may be
5 considered for appointment to active duty with the fire
6 department of any municipality.

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

11 No municipality having a population less than 1,000,000
12 shall require that any firefighter appointed to the lowest rank
13 serve a probationary employment period of longer than one year
14 of actual active employment, which may exclude periods of
15 training, or injury or illness leaves, including duty related
16 leave, in excess of 30 calendar days. Notwithstanding anything
17 to the contrary in this Section, the probationary employment
18 period limitation may be extended for a firefighter who is
19 required, as a condition of employment, to be a certified
20 paramedic, during which time the sole reason that a firefighter
21 may be discharged without a hearing is for failing to meet the
22 requirements for paramedic certification.

23 In the event that any applicant, who has been found
24 eligible for appointment and whose name has been placed upon
25 the final eligibility register provided for in this Section,
26 has not been appointed to a firefighter position within one

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

16 (d) Notice, examination, and testing components. Notice of
17 the time, place, general scope, and fee of every examination
18 shall be given by the commission, by a publication at least 2
19 weeks preceding the examination, in one or more newspapers
20 published in the municipality, or if no newspaper is published
21 therein, then in one or more newspapers of general circulation
22 within the municipality. Additional notice of the examination
23 may be given as the commission shall prescribe.

24 The examination and qualifying standards for employment of
25 firefighters shall be based on: mental aptitude, physical
26 ability, preferences, moral character, and health. The mental

1 aptitude, physical ability, and preference components will
2 determine an applicant's qualification for and placement on the
3 final register of eligibles. The consideration of an
4 applicant's general moral character and health shall be
5 administered on a pass-fail basis after a conditional offer of
6 employment is made by the commission.

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

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

1 for testing. Such examinations shall be open, competitive, and
2 based on industry standards designed to test each applicant's
3 physical abilities (or similar test designed to ensure the
4 successful candidates are able to perform the essential
5 functions of the firefighter's job description in the following
6 dimensions):

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

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

18 (3) The ability to carry out critical, time-sensitive,
19 complex problem solving during physical exertion in
20 stressful, hazardous environments, including hot, dark,
21 tightly enclosed spaces, that is further aggravated by
22 fatigue, flashing lights, sirens, and other distractions.

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

1 (g) Scoring of examination components. The examination
2 components 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 addition of any applicable preference points.

7 Applicants who have achieved at least the mean score of all
8 applicants participating in the written examination at the same
9 time, and who successfully pass the physical ability
10 examination will be placed on the initial eligibility register.
11 For placement on the final eligibility register, the passing
12 score shall be determined by (i) calculating the mean score for
13 all applicants participating in the written test; and (ii)
14 adding 20% to the mean score. Applicants whose total scores,
15 including any applicable preference points, are above the mean
16 score plus 20%, shall be placed on the final register of
17 eligibles by the commission.

18 The commission shall prepare and keep a register of persons
19 whose total score is not less than the minimum fixed by this
20 Section. These persons shall take rank upon the register as
21 candidates in the order of their relative excellence based on
22 the highest to the lowest total points scored on the mental
23 aptitude, physical ability, and preference components of the
24 test administered in accordance with this Section.

25 Commissions may conduct additional examinations after a
26 final eligibility register is established and before it expires

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

7 (h) Preferences. The following are preferences:

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

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

1 (4) Paramedic preference. Persons who have obtained
2 certification as an Emergency Medical Technician-Paramedic
3 (EMT-P) shall be preferred for appointment and employment
4 in the fire department of an affected department providing
5 emergency medical services.

6 (5) Experience preference. All persons who have been
7 paid-on-call or part-time certified Firefighter II, State
8 of Illinois or nationally licensed EMT-B or EMT-I, or any
9 combination of those capacities, of the municipality shall
10 be awarded 0.5 point for each year of successful service in
11 one or more of those capacities, up to a maximum of 5
12 points. Certified Firefighter III and State of Illinois or
13 nationally licensed paramedics shall be awarded one point
14 per year up to a maximum of 5 points. Applicants from
15 outside the municipality who were employed as full-time
16 firefighters or firefighter-paramedics by a fire
17 protection district or another municipality for at least 2
18 years shall have the same preference as paid-on-call or
19 part-time personnel. These additional points presuppose a
20 rating scale totaling 100 points available for the
21 eligibility list. If more or fewer points are used in the
22 rating scale for the eligibility list, the points awarded
23 under this subsection shall be increased or decreased by a
24 factor equal to the total possible points available for the
25 examination divided by 100.

26 Upon request by the commission, the governing body of

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

17 (6) Scoring of preferences. Preference points shall be
18 awarded in the order listed in items (1) through (5). The
19 commission shall give preference for original appointment
20 to persons designated in items (1) through (4) by adding to
21 the final grade which they receive 5 points for each
22 recognized preference achieved. Experience preference of
23 up to 5 points shall then be added in accordance with item
24 (5). The numerical result thus attained shall be applied by
25 the commission in determining the final eligibility list
26 and appointment from such eligibility list.

1 No person entitled to any preference shall be required to
2 claim such credit before any examination held under the
3 provisions of this Section. Such preference shall be given
4 after the posting or publication of the initial eligibility
5 list or register at the request of such person before any
6 certification or appointments are made from the eligibility
7 register, upon the furnishing of verifiable evidence and proof
8 of qualifying preference credit. Candidates who are eligible
9 for preference credit shall make a claim in writing within 10
10 days after the posting of the initial eligibility list or such
11 claim shall be deemed waived. Final eligibility registers shall
12 be established after the awarding of verified preference
13 points, and appointment from the final register shall be
14 subject to the applicant passing the qualifying standards for
15 moral character and health respectively. All conditional
16 offers of employment shall be subject to the commission's
17 initial hire background review including criminal history,
18 employment history, moral character, oral examination, and
19 medical examinations all on a pass-fail basis, with the medical
20 examinations to be conducted last.

21 Any person placed on an eligibility list who exceeds the
22 age requirement before being appointed to a fire department
23 shall remain eligible for appointment until the list is
24 abolished, or his or her name has been on the list for a period
25 of 3 years. No person who has attained the age of 35 years
26 shall be inducted into a fire department, except as otherwise

1 provided in this Section.

2 The commission shall strike off the names of candidates for
3 original appointment after the names have been on the list for
4 more than 3 years.

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

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

24 Whenever a commission is authorized or required by law to
25 consider some aspect of criminal history record information for
26 the purpose of carrying out its statutory powers and

1 responsibilities, then, upon request and payment of fees in
2 conformance with the requirements of Section 2605-400 of the
3 State Police Law of the Civil Administrative Code of Illinois,
4 the Department of State Police is authorized to furnish,
5 pursuant to positive identification, such information
6 contained in State files as is necessary to fulfill the
7 request.

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

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

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

1 (65 ILCS 5/10-2.1-6.4 new)

2 Sec. 10-2.1-6.4. Alternate procedure; original
3 appointment; full-time firefighter.

4 (a) Authority. The State Fire Marshal shall be authorized
5 to enter into intergovernmental agreements with local
6 commissions to provide for the recruitment of applicants and to
7 conduct testing of interested applicants on a regional or
8 statewide basis for the purpose of establishing a master
9 register of eligibles for firefighters and
10 firefighter-paramedics.

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

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

20 Qualified candidates shall be listed on the master
21 register of eligibles in highest to lowest rank order based
22 upon their test scores without regard to their date of
23 examination. Candidates listed on the master register of
24 eligibles shall be eligible for appointment for 3 years
25 from the date of the certification of their final score on
26 the register without regard to their date of examination.

1 After 3 years the candidate's name shall be struck from the
2 list.

3 Any person currently employed as a full-time member of
4 a fire department appointed pursuant to Division 1 of
5 Article 10 of the Illinois Municipal Code, Division 2.1 of
6 Article 10 of the Illinois Municipal Code, or the Fire
7 Protection District Act and who during the previous 12
8 months participated in and received a passing score on the
9 physical ability component of the test as provided by this
10 Section may request that his or her name be added to the
11 master register. Any such persons may be offered employment
12 by a local commission under the same procedures as provided
13 by this Section except that the apprenticeship period may
14 be waived and the applicant may be immediately issued a
15 certificate of original appointment by the local
16 commission.

17 (c) Qualifications for placement on register of eligibles.

18 The purpose for establishing a master register of eligibles
19 shall be to identify applicants who possess and demonstrate the
20 mental aptitude, physical ability, and qualities of character
21 to perform the duties required of members of the fire
22 department in order to provide the highest quality of service
23 to the public. To this end all applicants for original
24 appointment to an affected fire department through examination
25 conducted by a regional process, shall be subject to
26 examination and testing which shall be public, competitive, and

1 open to all applicants. All qualifying and disqualifying
2 factors applicable to examination processes for local
3 commissions in this amendatory Act shall be applicable to
4 persons participating in regional examinations unless
5 specifically provided otherwise in this Section.

6 Notice of the time, place, general scope, and fee of every
7 regional examination shall be given by the Fire Marshal or
8 designated testing agency, as applicable, by a publication at
9 least 2 weeks preceding the examination, in one or more
10 newspapers published in the region, or if no newspaper is
11 published therein, then in one or more newspapers with a
12 general circulation within the region. Additional notice of the
13 examination may be given as the Fire Marshal shall prescribe.

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

25 (e) Mental aptitude. Examination of an applicant's mental
26 aptitude shall be based upon written examination and an

1 applicant's prior experience demonstrating an aptitude for and
2 commitment to service as a member of a fire department. Written
3 examinations shall be practical in character and relate to
4 those matters which will fairly test the capacity of the
5 persons examined to discharge the duties performed by members
6 of a fire department. Written examinations shall be
7 administered in a manner that ensures the security and accuracy
8 of the scores achieved. No person shall be placed on a register
9 of eligibles that does not possess a high school diploma or an
10 equivalent high school education. Local commissions may
11 establish educational, emergency medical service licensure,
12 and other pre-requisites for hire within their jurisdiction.

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

1 able to perform the essential functions of a firefighter's job
2 description):

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

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

14 (3) The ability to carry out critical, time-sensitive,
15 complex problem solving during physical exertion in
16 stressful, hazardous environments, including hot, dark,
17 tightly enclosed spaces, that is further aggravated by
18 fatigue, flashing lights, sirens, and other distractions.

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

26 Applicants who have achieved at least the mean score of all

1 applicants participating in the written examination at the same
2 time, and who successfully pass the physical ability
3 examination will be placed on the initial eligibility register.
4 For placement on the final eligibility register, the passing
5 score shall be determined by (i) calculating the mean score for
6 all applicants participating in the written test; and (ii)
7 adding 20% to the mean score. Applicants whose total scores,
8 including any applicable preference points, are above the mean
9 score plus 20%, shall be placed on the master register of
10 eligibles by the State Fire Marshal.

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

17 No later than 60 days after each examination, a revised
18 master register of eligibles shall be posted by the Fire
19 Marshal which shall show the final grades of the candidates
20 without reference to priority of time of examination.

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

26 No person entitled to preference or credit shall be

1 required to claim such credit before any examination held under
2 the provisions of this Section but such preference shall be
3 given after the posting or publication of the applicant's
4 initial score at the request of such person before finalizing
5 the scores from all applicants taking part in a regional
6 examination. Candidates who are eligible for preference credit
7 shall make a claim in writing within 10 days after the posting
8 of the initial scores from any regional test or such claim
9 shall be deemed waived. Once preference points are awarded, the
10 candidates will be certified to the master register in
11 accordance with their final score including preference points.

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

1 review including criminal history, employment history, moral
2 character, oral examination, and medical examinations all on a
3 pass-fail basis, with the medical examinations to be conducted
4 last.

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

13 Applicants passing such tests may be employed as
14 firefighter apprentices or firefighter-paramedic apprentices
15 who shall serve an apprenticeship period of 12 months or less
16 according to such terms and conditions of employment as the
17 employing municipality or district offers, or as are provided
18 for under the terms of any collective bargaining agreement then
19 in effect. Any probationary period set by the local commission
20 shall apply to all new members.

21 Service during the apprenticeship period shall be on a
22 probationary basis. During such apprenticeship period the
23 apprentice's training and performance shall be monitored and
24 evaluated by a Joint Apprenticeship Committee. The Joint
25 Apprenticeship Committee shall consist of 4 members who shall
26 be regular members of the fire department with at least 10

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

1 exists, then both members must affirmatively vote to retain the
2 apprentice), the local commission shall issue the apprentice a
3 certificate of original appointment to the fire department.

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

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

14 Section 10. The Fire Protection District Act is amended by
15 changing Section 16.04a and by adding Sections 16.06b and
16 16.06c as follows:

17 (70 ILCS 705/16.04a) (from Ch. 127 1/2, par. 37.04a)

18 Sec. 16.04a. The board of fire commissioners shall appoint
19 all officers and members of the fire departments of the
20 district, except the Chief of the fire department. The board of
21 trustees shall appoint the Chief of the fire department, who
22 shall serve at the pleasure of the board, and may enter into a
23 multi-year contract not exceeding 3 years with the Chief.

24 If a member of the department is appointed Chief of the

1 fire department prior to being eligible to retire on pension he
2 shall be considered as on furlough from the rank he held
3 immediately prior to his appointment as Chief. If he resigns as
4 Chief or is discharged as Chief prior to attaining eligibility
5 to retire on pension, he shall revert to and be established in
6 such prior rank, and thereafter be entitled to all the benefits
7 and emoluments of such prior rank, without regard as to whether
8 a vacancy then exists in such rank. In such instances, the
9 Chief shall be deemed to have continued to accrue seniority in
10 the department during his period of service as Chief, or time
11 in grade in his former rank to which he shall revert during his
12 period of service as Chief, except solely for purposes of any
13 layoff as provided in Section 16.13b hereafter.

14 All appointments to each department other than that of the
15 lowest rank, however, shall be from the rank next below that to
16 which the appointment is made, except that the Chief of the
17 fire department may be appointed from among members of the fire
18 department, regardless of rank.

19 The sole authority to issue certificates of appointment
20 shall be vested in the board of fire commissioners and all
21 certificates of appointments issued to any officer or member of
22 the fire department shall be signed by the chairman and
23 secretary respectively of the board of fire commissioners upon
24 appointment of such officer or member of the fire department by
25 action of the board of fire commissioners.

26 To the extent that this Section or any other Section in

1 this Act conflicts with Section 16.06b or 16.06c, then Section
2 16.06b or 16.06c shall control.

3 (Source: P.A. 91-948, eff. 1-1-02.)

4 (70 ILCS 705/16.06b new)

5 Sec. 16.06b. Original appointments; full-time fire
6 department.

7 (a) Applicability. Unless a commission elects to follow the
8 provisions of Section 16.06c, this Section shall apply to all
9 original appointments to an affected full-time fire
10 department. Existing registers of eligibles shall continue to
11 be valid until their expiration dates, or up to a maximum of 2
12 years after the effective date of this amendatory Act of the
13 96th General Assembly.

14 Notwithstanding any statute, ordinance, rule, or other law
15 to the contrary, all original appointments to an affected
16 department to which this Section applies shall be administered
17 in the manner provided for in this Section. Provisions of the
18 Illinois Municipal Code, Fire Protection District Act, fire
19 district ordinances, or rules adopted pursuant to such
20 authority and other laws relating to initial hiring of
21 firefighters in affected departments shall continue to apply to
22 the extent they are compatible with this Section, but in the
23 event of conflict between this Section and any other law, this
24 Section shall control.

25 (b) Original appointments. All original appointments made

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

7 Whenever an appointing authority authorizes action to hire
8 a firefighter to fill a new position or vacancy due to
9 resignation, discharge, promotion, death, or the granting of a
10 disability or retirement pension, or any other cause, the
11 appointing authority shall appoint to that position the person
12 with the highest ranking on the final eligibility list, except
13 that the appointing authority shall have the right to pass over
14 that person and appoint the next highest ranked person on the
15 list if the appointing authority has reason to conclude that
16 the highest ranked person fails to meet the minimum standards
17 for the position after a conditional offer of employment has
18 been made.

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

26 The sole authority to issue certificates of appointment

1 shall be vested in the board of fire commissioners, or board of
2 trustees serving in the capacity of a board of fire
3 commissioners. All certificates of appointments issued to any
4 officer or member of an affected department shall be signed by
5 the chairperson and secretary, respectively, of the commission
6 upon appointment of such officer or member to the affected
7 department by action of the commission. Persons who have
8 accepted certificates of appointment and successfully
9 completed their probationary period shall be classified as
10 regular members of the fire department.

11 (c) Qualification for placement on register of eligibles.
12 The purpose for establishing a register of eligibles shall be
13 to identify applicants who possess and demonstrate the mental
14 aptitude, physical ability, and qualities of character to
15 perform the duties required of members of the fire department
16 in order to provide the highest quality of service to the
17 public. To this end all applicants for original appointment to
18 an affected fire department shall be subject to examination and
19 testing which shall be public, competitive, and open to all
20 applicants unless the district shall by ordinance limit
21 applicants to electors of the district, county, State, or
22 nation. Districts may establish educational, emergency medical
23 service licensure, and other pre-requisites for participation
24 in an examination, or for hire as a firefighter. Any fee to
25 cover the costs of the application process shall not exceed
26 \$25.

1 Residency requirements in effect at the time an individual
2 enters the fire service of a district cannot be made more
3 restrictive for that individual during his or her period of
4 service for that district, or be made a condition of promotion,
5 except for the rank or position of fire chief and for up to 2
6 individuals holding the rank immediately below that of the
7 chief rank which are appointed positions pursuant to the Fire
8 Department Promotion Act.

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

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

24 (2) to any person who has served a fire district as a
25 regularly enrolled volunteer, paid-on-call, or part-time
26 firefighter for 5 years immediately preceding the time that

1 district begins to use full-time firefighters to provide
2 all or part of its fire protection service.

3 Applicants who are 18 years of age and who have
4 successfully completed 2 years of study in fire techniques,
5 amounting to a total of 4 high school credits, within the cadet
6 program of a municipality or fire protection district may be
7 considered for appointment to active duty with the fire
8 department of any district.

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

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

24 In the event that any applicant, who has been found
25 eligible for appointment and whose name has been placed upon
26 the final eligibility register provided for in this Section,

1 has not been appointed to a firefighter position within one
2 year from the date of his or her physical ability examination,
3 the commission may cause a second examination to be made of
4 such applicant's physical ability prior to his or her
5 appointment. If, upon such second examination, the physical
6 ability of the applicant shall be found to be less than the
7 minimum standard fixed by the rules of such commission, the
8 applicant shall not be appointed. The name of such applicant
9 shall be retained upon the register of candidates eligible for
10 appointment and when again reached for certification and
11 appointment such applicant shall be again examined as herein
12 provided, and if the physical ability of such applicant shall
13 again be found to be less than the minimum standard fixed by
14 the rules of the commission, the applicant shall not be
15 appointed and the name of the applicant shall be removed from
16 the register.

17 (d) Notice, examination, and testing components. Notice of
18 the time, place, general scope, and fee of every examination
19 shall be given by the commission, by a publication at least 2
20 weeks preceding the examination, in one or more newspapers
21 published in the district, or if no newspaper is published
22 therein, then in one or more newspapers of general circulation
23 within the district. Additional notice of the examination may
24 be given as the commission shall 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 will
3 determine an applicant's qualification for and placement on the
4 final register of eligibles. The consideration of an
5 applicant's general moral character and health shall be
6 administered on a pass-fail basis after a conditional offer of
7 employment is made by the commission.

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

18 (f) Physical ability. All candidates shall be required to
19 undergo an examination of their physical ability to perform the
20 essential functions included in the duties they may be called
21 upon to perform as a member of a fire department. For the
22 purposes of this Section, essential functions of the job are
23 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 such 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. Such examinations shall be open, competitive, and
3 based on industry standards designed to test each applicant's
4 physical abilities in the following dimensions (or similar test
5 designed to ensure the successful candidates are able to
6 perform the essential functions of the firefighter's job
7 description):

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

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

19 (3) The ability to carry out critical, time-sensitive,
20 complex problem solving during physical exertion in
21 stressful, hazardous environments, including hot, dark,
22 tightly enclosed spaces, that is further aggravated by
23 fatigue, flashing lights, sirens, and other distractions.

24 Physical ability examinations administered under this
25 Section shall be conducted with a reasonable number of proctors
26 and monitors, open to the public, and subject to reasonable

1 regulations of the commission.

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

8 Applicants who have achieved at least the mean score of all
9 applicants participating in the written examination at the same
10 time, and who successfully pass the physical ability
11 examination will be placed on the initial eligibility register.
12 For placement on the final eligibility register, the passing
13 score shall be determined by (i) calculating the mean score for
14 all applicants participating in the written test; and (ii)
15 adding 20% to the mean score. Applicants whose total scores,
16 including any applicable preference points, are equal to or
17 above the mean score plus 20%, shall be placed on the final
18 register of eligibles by the commission.

19 The commission shall prepare and keep a register of persons
20 whose total score is not less than the minimum fixed by this
21 Section. These persons shall take rank upon the register as
22 candidates in the order of their relative excellence based on
23 the highest to the lowest total points scored on the mental
24 aptitude, physical ability, and preference components of the
25 test administered in accordance with this Section.

26 Commissions may conduct additional examinations after a

1 final eligibility register is established and before it expires
2 with the candidates ranked by total score without regard to
3 date of examination. No later than 60 days after each
4 examination, an initial eligibility list shall be posted by the
5 commission which shall show the final grades of the candidates
6 without reference to priority of time of examination and
7 subject to claim for preference credit.

8 (h) Preferences. The following are preferences:

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

16 (2) Fire cadet preference. Persons who have
17 successfully completed 2 years of study in fire techniques
18 or cadet training within a cadet program established under
19 the rules of the commission of any municipality or fire
20 district shall be preferred for appointment and employment
21 in the fire department.

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

1 fire department.

2 (4) Paramedic preference. Persons who have obtained
3 certification as an Emergency Medical Technician-Paramedic
4 (EMT-P) shall be preferred for appointment and employment
5 in the fire department of an affected department providing
6 emergency medical services.

7 (5) Experience preference. All persons who have been
8 paid-on-call or part-time certified Firefighter II, State
9 of Illinois or nationally licensed EMT-B or EMT-I, or any
10 combination thereof, of the district shall be awarded 0.5
11 point for each year of successful service in one or more of
12 those capacities, up to a maximum of 5 points. Certified
13 Firefighter III and State of Illinois or nationally
14 licensed paramedics shall be awarded one point per year up
15 to a maximum of 5 points. Applicants from outside the
16 district who were employed as full-time firefighters or
17 firefighter-paramedics by a fire protection district or
18 municipality for at least 2 years shall have the same
19 preference as paid-on-call or part-time personnel. These
20 additional points presuppose a rating scale totaling 100
21 points available for the eligibility list. If more or fewer
22 points are used in the rating scale for the eligibility
23 list, the points awarded under this subsection shall be
24 increased or decreased by a factor equal to the total
25 possible points available for the examination divided by
26 100.

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

18 (6) Scoring of preferences. Preference points shall be
19 awarded in the order listed in items (1) through (5). The
20 commission shall give preference for original appointment
21 to persons designated in items (1) through (4) by adding to
22 the final grade which they receive 5 points for each
23 recognized preference achieved. Experience preference of
24 up to 5 points shall then be added in accordance with item
25 (5). The numerical result thus attained shall be applied by
26 the commission in determining the final eligibility list

1 and appointment from such eligibility list.

2 No person entitled to any preference shall be required to
3 claim such credit before any examination held under the
4 provisions of this Section but such preference shall be given
5 after the posting or publication of the initial eligibility
6 list or register at the request of such person before any
7 certification or appointments are made from the eligibility
8 register, upon the furnishing of verifiable evidence and proof
9 of qualifying preference credit. Candidates who are eligible
10 for preference credit shall make a claim in writing within 10
11 days after the posting of the initial eligibility list or such
12 claim shall be deemed waived. Final eligibility registers shall
13 be established after the awarding of verified preference
14 points, and appointment from the final register shall be
15 subject to the applicant passing the qualifying standards for
16 moral character and health respectively. All conditional
17 offers of employment shall be subject to the commission's
18 initial hire background review including criminal history,
19 employment history, moral character, oral examination, and
20 medical examinations all on a pass-fail basis, with the medical
21 examinations to be conducted last.

22 Any person placed on an eligibility list who exceeds the
23 age requirement before being appointed to a fire department
24 shall remain eligible for appointment until the list is
25 abolished, or their name has been on the list for a period of 3
26 years. No person who has attained the age of 35 years shall be

1 inducted into a fire department, except as otherwise provided
2 in this Section.

3 The commission shall strike off the names of candidates for
4 original appointment after the names have been on the list for
5 more than 3 years.

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

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

25 Whenever a commission is authorized or required by law to
26 consider some aspect of criminal history record information for

1 the purpose of carrying out its statutory powers and
2 responsibilities, then, upon request and payment of fees in
3 conformance with the requirements of Section 2605-400 of the
4 State Police Law of the Civil Administrative Code of Illinois,
5 the Department of State Police is authorized to furnish,
6 pursuant to positive identification, such information
7 contained in State files as is necessary to fulfill the
8 request.

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

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

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

1 (70 ILCS 705/16.06c new)

2 Sec. 16.06c. Alternative procedure; original appointment;
3 full-time firefighter.

4 (a) Authority. The State Fire Marshal shall be authorized
5 to enter into intergovernmental agreements with local
6 commissions to provide for the recruitment of applicants and to
7 conduct testing of interested applicants on a regional or
8 statewide basis for the purpose of establishing a master
9 register of eligibles for firefighters and
10 firefighter-paramedics.

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

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

20 Qualified candidates shall be listed on the master
21 register of eligibles in highest to lowest rank order based
22 upon their test scores without regard to their date of
23 examination. Candidates listed on the master register of
24 eligibles shall be eligible for appointment for 3 years
25 from the date of the certification of their final score on

1 the register. After 3 years the candidate's name shall be
2 struck from the list.

3 Any person currently employed as a full-time member of
4 a fire department appointed pursuant to Division 1 of
5 Article 10 of the Illinois Municipal Code, Division 2.1 of
6 Article 10 of the Illinois Municipal Code, or the Fire
7 Protection District Act and who during the previous 12
8 months participated in and received a passing score on the
9 physical ability component of the test as provided by this
10 Section may request that their names be added to the master
11 register. Any such persons may be offered employment by a
12 local commission under the same procedures as provided by
13 this Section except that the apprenticeship period may be
14 waived and the applicant may be immediately issued a
15 certificate of original appointment by the local
16 commission.

17 (c) Qualifications for placement on register of eligibles.

18 The purpose for establishing a master register of eligibles
19 shall be to identify applicants who possess and demonstrate the
20 mental aptitude, physical ability, and qualities of character
21 to perform the duties required of members of the fire
22 department in order to provide the highest quality of service
23 to the public. To this end all applicants for original
24 appointment to an affected fire department through examination
25 conducted by a regional process, shall be subject to
26 examination and testing which shall be public, competitive, and

1 open to all applicants. All qualifying and disqualifying
2 factors applicable to examination processes for local
3 commissions in this amendatory Act shall be applicable to
4 persons participating in regional examinations unless
5 specifically provided otherwise in this Section.

6 Notice of the time, place, general scope, and fee of every
7 regional examination shall be given by the Fire Marshal or
8 designated testing agency, as applicable, by a publication at
9 least 2 weeks preceding the examination, in one or more
10 newspapers published in the region, or if no newspaper is
11 published therein, then in one or more newspapers with a
12 general circulation within the region. Additional notice of the
13 examination may be given as prescribed by the Fire Marshal.

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

25 (e) Mental aptitude. Examination of an applicant's mental
26 aptitude shall be based upon written examination and an

1 applicant's prior experience demonstrating an aptitude for and
2 commitment to service as a member of a fire department. Written
3 examinations shall be practical in character and relate to
4 those matters which will fairly test the capacity of the
5 persons examined to discharge the duties performed by members
6 of a fire department. Written examinations shall be
7 administered in a manner that ensures the security and accuracy
8 of the scores achieved. No person shall be placed on a register
9 of eligibles that does not possess a high school diploma or an
10 equivalent high school education. Local commissions may
11 establish educational, emergency medical service licensure,
12 and other pre-requisites for hire within their jurisdiction.

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

1 able to perform the essential functions of a firefighter's job
2 description):

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

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

14 (3) The ability to carry out critical, time-sensitive,
15 complex problem solving during physical exertion in
16 stressful, hazardous environments, including hot, dark,
17 tightly enclosed spaces, that is further aggravated by
18 fatigue, flashing lights, sirens, and other distractions.

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

26 Applicants who have achieved at least the mean score of all

1 applicants participating in the written examination at the same
2 time, and who successfully pass the physical ability
3 examination will be placed on the initial eligibility register.
4 For placement on the final eligibility register, the passing
5 score shall be determined by (i) calculating the mean score for
6 all applicants participating in the written test; and (ii)
7 adding 20% to the mean score. Applicants whose total scores,
8 including any applicable preference points, are above the mean
9 score plus 20%, shall be placed on the master register of
10 eligibles by the State Fire Marshal.

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

17 No later than 60 days after each examination, a revised
18 master register of eligibles shall be posted by the Fire
19 Marshal which shall show the final grades of the candidates
20 without reference to priority of time of examination.

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

26 No person entitled to preference or credit shall be

1 required to claim such credit before any examination held under
2 the provisions of this Section but such preference shall be
3 given after the posting or publication of the applicant's
4 initial score at the request of such person before finalizing
5 the scores from all applicants taking part in a regional
6 examination. Candidates who are eligible for preference credit
7 shall make a claim in writing within 10 days after the posting
8 of the initial scores from any regional test or such claim
9 shall be deemed waived. Once preference points are awarded, the
10 candidates will be certified to the master register in
11 accordance with their final score including preference points.

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

1 review including criminal history, employment history, moral
2 character, oral examination, and medical examinations all on a
3 pass-fail basis, with the medical examinations to be conducted
4 last.

5 (j) Selection from list. Any municipality or fire
6 protection district that is a party to an intergovernmental
7 agreement under the terms of which persons have been tested for
8 placement on the master register of eligibles shall be entitled
9 to offer employment to any person on the list irrespective of
10 their ranking on the list. The offer of employment shall be to
11 the position of firefighter apprentice or
12 firefighter-paramedic apprentice. Applicants passing such
13 tests may be employed as firefighter or firefighter-paramedic
14 apprentices who shall serve an apprenticeship period of 12
15 months or less according to such terms and conditions of
16 employment as the employing municipality or district offers, or
17 as are provided for under the terms of any collective
18 bargaining agreement then in effect. Any probationary period
19 set by the local commission, shall apply to all new members.

20 Service during the apprenticeship period shall be on a
21 probationary basis. During such apprenticeship period the
22 apprentice's training and performance shall be monitored and
23 evaluated by a Joint Apprenticeship Committee. The Joint
24 Apprenticeship Committee shall consist of 4 members who shall
25 be regular members of the fire department with at least 10
26 years of full-time work experience as a firefighter or

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

1 apprentice), the local commission shall issue the apprentice a
2 certificate of original appointment to the fire department.

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

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

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.