

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 97th 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, and 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 less stringent than 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 A municipality that is operating under a court order or
14 consent decree regarding original appointments to a full-time
15 fire department before the effective date of this amendatory
16 Act of the 97th General Assembly is exempt from the
17 requirements of this Section for the duration of the court
18 order or consent decree.

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

22 (b) Original appointments. All original appointments made
23 to an affected fire department shall be made from a register of
24 eligibles established in accordance with the processes
25 established by this Section. Only persons who meet or exceed
26 the performance standards required by this Section shall be

1 placed on a register of eligibles for original appointment to
2 an affected fire department.

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

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

1 candidate is already on the municipality's register of
2 eligibles.

3 The sole authority to issue certificates of appointment
4 shall be vested in the Civil Service Commission. All
5 certificates of appointment issued to any officer or member of
6 an affected department shall be signed by the chairperson and
7 secretary, respectively, of the commission upon appointment of
8 such officer or member to the affected department by the
9 commission. Each person who accepts a certificate of
10 appointment and successfully completes his or her probationary
11 period shall be enrolled as a firefighter and as a regular
12 member of the fire department.

13 For the purposes of this Section, "firefighter" means any
14 person who has been prior to, on, or after the effective date
15 of this amendatory Act of the 97th General Assembly appointed
16 to a fire department or fire protection district or employed by
17 a State university and sworn or commissioned to perform
18 firefighter duties or paramedic duties, or both, except that
19 the following persons are not included: part-time
20 firefighters; auxiliary, reserve, or voluntary firefighters,
21 including paid-on-call firefighters; clerks and dispatchers or
22 other civilian employees of a fire department or fire
23 protection district who are not routinely expected to perform
24 firefighter duties; and elected officials.

25 (c) Qualification for placement on register of eligibles.

26 The purpose of establishing a register of eligibles is to

1 identify applicants who possess and demonstrate the mental
2 aptitude and physical ability to perform the duties required of
3 members of the fire department in order to provide the highest
4 quality of service to the public. To this end, all applicants
5 for original appointment to an affected fire department shall
6 be subject to examination and testing which shall be public,
7 competitive, and open to all applicants unless the municipality
8 shall by ordinance limit applicants to residents of the
9 municipality, county or counties in which the municipality is
10 located, State, or nation. Municipalities may establish
11 educational, emergency medical service licensure, and other
12 pre-requisites for participation in an examination or for hire
13 as a firefighter. Any municipality may charge a fee to cover
14 the costs of the application process.

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

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

1 municipality, except as provided in this Section. The age
2 limitation does not apply to:

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

11 (2) 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 the municipality begins to use full-time firefighters
15 to provide all or part of its fire protection service.

16 No person who is under 21 years of age shall be eligible
17 for employment as a firefighter.

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

22 No municipality shall require that any firefighter
23 appointed to the lowest rank serve a probationary employment
24 period of longer than one year of actual active employment,
25 which may exclude periods of training, or injury or illness
26 leaves, including duty related leave, in excess of 30 calendar

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

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

26 (d) Notice, examination, and testing components. Notice of

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

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

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

1 shall be administered in a manner that ensures the security and
2 accuracy of the scores achieved.

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

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

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

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

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

13 (g) Scoring of examination components. Appointing
14 authorities may create a preliminary eligibility register. A
15 person shall be placed on the list based upon his or her
16 passage of the written examination or the passage of the
17 written examination and the physical ability component.
18 Passage of the written examination means a score that is at or
19 above the mean score for all applicants participating in the
20 written test. The appointing authority may conduct the physical
21 ability component and any subjective components subsequent to
22 the posting of the preliminary eligibility register.

23 The examination components for an initial eligibility
24 register shall be graded on a 100-point scale. A person's
25 position on the list shall be determined by the following: (i)
26 the person's score on the written examination, (ii) the person

1 successfully passing the physical ability component, and (iii)
2 the person's results on any subjective component as described
3 in subsection (d).

4 In order to qualify for placement on the final eligibility
5 register, an applicant's total score, before any applicable
6 preference points are applied, shall be at or above the mean
7 score plus 10%. The local appointing authority may prescribe
8 the score to qualify for placement on the final eligibility
9 register, but the score shall not be less than the mean score
10 plus 10%.

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

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

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

6 (h) Preferences. The following are preferences:

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

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

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

1 department.

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

7 (5) Experience preference. All persons employed by a
8 municipality who have been paid-on-call or part-time
9 certified Firefighter II, certified Firefighter III, State
10 of Illinois or nationally licensed EMT-B or EMT-I, licensed
11 paramedic, or any combination of those capacities may be
12 awarded up to a maximum of 5 points. However, the applicant
13 may not be awarded more than 0.5 points for each complete
14 year of paid-on-call or part-time service. 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 may be awarded
18 up to 5 experience preference points. However, the
19 applicant may not be awarded more than one point for each
20 complete year of full-time service.

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

25 Upon request by the commission, the governing body of
26 the municipality or in the case of applicants from outside

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

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

20 (8) Scoring of preferences. The commission shall give
21 preference for original appointment to persons designated
22 in item (1) by adding to the final grade that they receive
23 5 points for the recognized preference achieved. The
24 commission shall determine the number of preference points
25 for each category except (1). The number of preference
26 points for each category shall range from 0 to 5. In

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

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

1 eligibility registers shall be established after the awarding
2 of verified preference points. All employment shall be subject
3 to the commission's initial hire background review including,
4 but not limited to, criminal history, employment history, moral
5 character, oral examination, and medical and psychological
6 examinations, all on a pass-fail basis. The medical and
7 psychological examinations must be conducted last, and may only
8 be performed after a conditional offer of employment has been
9 extended.

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

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

20 (i) Moral character. No person shall be appointed to a fire
21 department unless he or she is a person of good character; not
22 a habitual drunkard, a gambler, or a person who has been
23 convicted of a felony or a crime involving moral turpitude.
24 However, no person shall be disqualified from appointment to
25 the fire department because of the person's record of
26 misdemeanor convictions except those under Sections 11-6,

1 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,
2 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,
3 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and subsections
4 1, 6, and 8 of Section 24-1 of the Criminal Code of 1961 or
5 arrest for any cause without conviction thereon. Any such
6 person who is in the department may be removed on charges
7 brought for violating this subsection and after a trial as
8 hereinafter provided.

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

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

23 (j) Temporary appointments. In order to prevent a stoppage
24 of public business, to meet extraordinary exigencies, or to
25 prevent material impairment of the fire department, the
26 commission may make temporary appointments, to remain in force

1 only until regular appointments are made under the provisions
2 of this Division, but never to exceed 60 days. No temporary
3 appointment of any one person shall be made more than twice in
4 any calendar year.

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

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

15 (65 ILCS 5/10-1-7.2 new)

16 Sec. 10-1-7.2. Alternative procedure; original
17 appointment; full-time firefighter.

18 (a) Authority. The Joint Labor and Management Committee
19 (JLMC), as defined in Section 50 of the Fire Department
20 Promotion Act, may establish a community outreach program to
21 market the profession of firefighter and firefighter-paramedic
22 so as to ensure the pool of applicants recruited is of broad
23 diversity and the highest quality.

24 For the purposes of this Section, "firefighter" means any
25 person who has been prior to, on, or after the effective date

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

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 these 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 2 years
25 after the date of the certification of their final score on
26 the register without regard to the date of their

1 examination. After 2 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 or any person who has experienced a
5 non-voluntary (and non-disciplinary) separation from the
6 active workforce due to a reduction in the number of
7 departmental officers, who was appointed pursuant to this
8 Division, Division 2.1 of Article 10 of the Illinois
9 Municipal Code, or the Fire Protection District Act, and
10 who during the previous 24 months participated in and
11 received a passing score on the physical ability and mental
12 aptitude components of the test may request that his or her
13 name be added to the master register. Any eligible person
14 may be offered employment by a local commission under the
15 same procedures as provided by this Section except that the
16 apprenticeship period may be waived and the applicant may
17 be immediately issued a certificate of original
18 appointment by the local commission.

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

1 Management Committee (JLMC) shall be subject to examination and
2 testing which shall be public, competitive, and open to all
3 applicants. Any subjective component of the testing must be
4 administered by certified assessors. All qualifying and
5 disqualifying factors applicable to examination processes for
6 local commissions in this amendatory Act of the 97th General
7 Assembly shall be applicable to persons participating in Joint
8 Labor and Management Committee examinations unless
9 specifically provided otherwise in this Section.

10 Notice of the time, place, general scope, and fee of every
11 JLMC examination shall be given by the JLMC or designated
12 testing agency, as applicable, by publication at least 30 days
13 preceding the examination, in one or more newspapers published
14 in the region, or if no newspaper is published therein, then in
15 one or more newspapers with a general circulation within the
16 region. The JLMC may publish the notice on the JLMC's Internet
17 website. Additional notice of the examination may be given as
18 the JLMC shall prescribe.

19 (d) Examination and testing components for placement on
20 register of eligibles. The examination and qualifying
21 standards for placement on the master register of eligibles and
22 employment shall be based on the following components: mental
23 aptitude, physical ability, preferences, moral character, and
24 health. The mental aptitude, physical ability, and preference
25 components shall determine an applicant's qualification for
26 and placement on the master register of eligibles. The

1 consideration of an applicant's general moral character and
2 health shall be administered on a pass-fail basis after a
3 conditional offer of employment is made by a local commission.

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

20 (f) Physical ability. All candidates shall be required to
21 undergo an examination of their physical ability to perform the
22 essential functions included in the duties they may be called
23 upon to perform as a member of a fire department. For the
24 purposes of this Section, essential functions of the job are
25 functions associated with duties that a firefighter may be
26 called upon to perform in response to emergency calls. The

1 frequency of the occurrence of those duties as part of the fire
2 department's regular routine shall not be a controlling factor
3 in the design of examination criteria or evolutions selected
4 for testing. These physical examinations shall be open,
5 competitive, and based on industry standards designed to test
6 each applicant's physical abilities in each of the following
7 dimensions (or a similar test designed to ensure that the
8 successful candidates are able to perform the essential
9 functions of a firefighter's job description):

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

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

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

25 (g) Scoring of examination components. The examination
26 components shall be graded on a 100-point scale. A person's

1 position on the master register of eligibles shall be
2 determined by the person's score on the written examination,
3 the person successfully passing the physical ability
4 component, and the addition of any applicable preference
5 points.

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

17 These persons shall take rank upon the register as
18 candidates in the order of their relative excellence based on
19 the highest to the lowest total points scored on the mental
20 aptitude and physical ability components, plus any applicable
21 preference points requested and verified by the JLMC, or
22 approved testing agency.

23 No more than 60 days after each examination, a revised
24 master register of eligibles shall be posted by the JLMC
25 showing the final grades of the candidates without reference to
26 priority of time of examination.

1 (h) Preferences. The board shall give military, education,
2 and experience preference points to those who qualify for
3 placement on the master register of eligibles, on the same
4 basis as provided for examinations administered by a local
5 commission.

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

18 (i) Firefighter apprentice and firefighter-paramedic
19 apprentice. The employment of an applicant to an apprentice
20 position (including a currently employed full-time member of a
21 fire department whose apprenticeship may be reduced or waived)
22 shall be subject to the applicant passing the moral character
23 standards and health examinations of the local commission. In
24 addition, a local commission may require as a condition of
25 employment that the applicant demonstrate current physical
26 ability by either passing the local commission's approved

1 physical ability examination, or by presenting proof of
2 participating in and receiving a passing score on the physical
3 ability component of a JLMC test within a period of up to 12
4 months before the date of the conditional offer of employment.
5 Applicants shall be subject to the local commission's initial
6 hire background review including criminal history, employment
7 history, moral character, oral examination, and medical
8 examinations which may include polygraph, psychological, and
9 drug screening components, all on a pass-fail basis. The
10 medical examinations must be conducted last, and may only be
11 performed after a conditional offer of employment has been
12 extended.

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

21 Applicants passing these tests may be employed as a
22 firefighter apprentice or a firefighter-paramedic apprentice
23 who shall serve an apprenticeship period of 12 months or less
24 according to the terms and conditions of employment as the
25 employing municipality or district offers, or as provided for
26 under the terms of any collective bargaining agreement then in

1 effect. The apprenticeship period is separate from the
2 probationary period.

3 Service during the apprenticeship period shall be on a
4 probationary basis. During the apprenticeship period, the
5 apprentice's training and performance shall be monitored and
6 evaluated by a Joint Apprenticeship Committee.

7 The Joint Apprenticeship Committee shall consist of 4
8 members who shall be regular members of the fire department
9 with at least 10 years of full-time work experience as a
10 firefighter or firefighter-paramedic. The fire chief and the
11 president of the exclusive bargaining representative
12 recognized by the employer shall each appoint 2 members to the
13 Joint Apprenticeship Committee. In the absence of an exclusive
14 collective bargaining representative, the chief shall appoint
15 the remaining 2 members who shall be from the ranks of company
16 officer and firefighter with at least 10 years of work
17 experience as a firefighter or firefighter-paramedic. In the
18 absence of a sufficient number of qualified firefighters, the
19 Joint Apprenticeship Committee members shall have the amount of
20 experience and the type of qualifications as is reasonable
21 given the circumstances of the fire department. In the absence
22 of a full-time member in a rank between chief and the highest
23 rank in a bargaining unit, the Joint Apprenticeship Committee
24 shall be reduced to 2 members, one to be appointed by the chief
25 and one by the union president, if any. If there is no
26 exclusive bargaining representative, the chief shall appoint

1 the second member of the Joint Apprenticeship Committee from
2 among qualified members in the ranks of company officer and
3 below. Before the conclusion of the apprenticeship period, the
4 Joint Apprenticeship Committee shall meet to consider the
5 apprentice's progress and performance and vote to retain the
6 apprentice as a member of the fire department or to terminate
7 the apprenticeship. If 3 of the 4 members of the Joint
8 Apprenticeship Committee affirmatively vote to retain the
9 apprentice (if a 2 member Joint Apprenticeship Committee
10 exists, then both members must affirmatively vote to retain the
11 apprentice), the local commission shall issue the apprentice a
12 certificate of original appointment to the fire department.

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

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

23 (l) Applicability. This Section does not apply to a
24 municipality with more than 1,000,000 inhabitants.

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

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

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

23 If a member of the department is appointed chief of police
24 or chief of the fire department prior to being eligible to
25 retire on pension, he shall be considered as on furlough from
26 the rank he held immediately prior to his appointment as chief.

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

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

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

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

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

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

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

1 police.

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

24 No municipality having a population less than 1,000,000
25 shall require that any firefighter appointed to the lowest rank
26 serve a probationary employment period of longer than one year.

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

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

18 (Source: P.A. 94-135, eff. 7-7-05; 94-984, eff. 6-30-06;
19 95-490, eff. 6-1-08.)

20 (65 ILCS 5/10-2.1-6.3 new)

21 Sec. 10-2.1-6.3. Original appointments; full-time fire
22 department.

23 (a) Applicability. Unless a commission elects to follow the
24 provisions of Section 10-2.1-6.4, this Section shall apply to
25 all original appointments to an affected full-time fire

1 department. Existing registers of eligibles shall continue to
2 be valid until their expiration dates, or up to a maximum of 2
3 years after the effective date of this amendatory Act of the
4 97th General Assembly.

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

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

22 A municipality that is operating under a court order or
23 consent decree regarding original appointments to a full-time
24 fire department before the effective date of this amendatory
25 Act of the 97th General Assembly is exempt from the
26 requirements of this Section for the duration of the court

1 order or consent decree.

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

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

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

1 ranked persons on the list of eligibles if the number of people
2 who have a ranking in the top 5% of the register of eligibles
3 is less than 5 people.

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

12 The sole authority to issue certificates of appointment
13 shall be vested in the board of fire and police commissioners.
14 All certificates of appointment issued to any officer or member
15 of an affected department shall be signed by the chairperson
16 and secretary, respectively, of the board upon appointment of
17 such officer or member to the affected department by action of
18 the board. Each person who accepts a certificate of appointment
19 and successfully completes his or her probationary period shall
20 be enrolled as a firefighter and as a regular member of the
21 fire department.

22 For the purposes of this Section, "firefighter" means any
23 person who has been prior to, on, or after the effective date
24 of this amendatory Act of the 97th General Assembly appointed
25 to a fire department or fire protection district or employed by
26 a State university and sworn or commissioned to perform

1 firefighter duties or paramedic duties, or both, except that
2 the following persons are not included: part-time
3 firefighters; auxiliary, reserve, or voluntary firefighters,
4 including paid-on-call firefighters; clerks and dispatchers or
5 other civilian employees of a fire department or fire
6 protection district who are not routinely expected to perform
7 firefighter duties; and elected officials.

8 (c) Qualification for placement on register of eligibles.
9 The purpose of establishing a register of eligibles is to
10 identify applicants who possess and demonstrate the mental
11 aptitude and physical ability to perform the duties required of
12 members of the fire department in order to provide the highest
13 quality of service to the public. To this end, all applicants
14 for original appointment to an affected fire department shall
15 be subject to examination and testing which shall be public,
16 competitive, and open to all applicants unless the municipality
17 shall by ordinance limit applicants to residents of the
18 municipality, county or counties in which the municipality is
19 located, State, or nation. Municipalities may establish
20 educational, emergency medical service licensure, and other
21 pre-requisites for participation in an examination or for hire
22 as a firefighter. Any municipality may charge a fee to cover
23 the costs of the application process.

24 Residency requirements in effect at the time an individual
25 enters the fire service of a municipality cannot be made more
26 restrictive for that individual during his or her period of

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

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

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

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

25 No person who is under 21 years of age shall be eligible
26 for employment as a firefighter.

1 No applicant shall be examined concerning his or her
2 political or religious opinions or affiliations. The
3 examinations shall be conducted by the commissioners of the
4 municipality or their designees and agents.

5 No municipality shall require that any firefighter
6 appointed to the lowest rank serve a probationary employment
7 period of longer than one year of actual active employment,
8 which may exclude periods of training, or injury or illness
9 leaves, including duty related leave, in excess of 30 calendar
10 days. Notwithstanding anything to the contrary in this Section,
11 the probationary employment period limitation may be extended
12 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 In the event that any applicant who has been found eligible
18 for appointment and whose name has been placed upon the final
19 eligibility register provided for in this Section has not been
20 appointed to a firefighter position within one year after the
21 date of his or her physical ability examination, the commission
22 may cause a second examination to be made of that applicant's
23 physical ability prior to his or her appointment. If, after the
24 second examination, the physical ability of the applicant shall
25 be found to be less than the minimum standard fixed by the
26 rules of the commission, the applicant shall not be appointed.

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

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

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

1 available to the public.

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

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

1 functions of the firefighter's job description):

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

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

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

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

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

1 Passage of the written examination means a score that is at or
2 above the mean score for all applicants participating in the
3 written test. The appointing authority may conduct the physical
4 ability component and any subjective components subsequent to
5 the posting of the preliminary eligibility register.

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

13 In order to qualify for placement on the final eligibility
14 register, an applicant's total score, before any applicable
15 preference points are applied, shall be at or above the mean
16 score plus 10%. The local appointing authority may prescribe
17 the score to qualify for placement on the final eligibility
18 register, but the score shall not be less than the mean score
19 plus 10%.

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

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

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

15 (h) Preferences. The following are preferences:

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

24 (2) Fire cadet preference. Persons who have
25 successfully completed 2 years of study in fire techniques
26 or cadet training within a cadet program established under

1 the rules of the Joint Labor and Management Committee
2 (JLMC), as defined in Section 50 of the Fire Department
3 Promotion Act, may be preferred for appointment to and
4 employment with the fire department.

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

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

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

1 fire protection district or another municipality for at
2 least 2 years shall be awarded 5 experience preference
3 points. These additional points presuppose a rating scale
4 totaling 100 points available for the eligibility list. If
5 more or fewer points are used in the rating scale for the
6 eligibility list, the points awarded under this subsection
7 shall be increased or decreased by a factor equal to the
8 total possible points available for the examination
9 divided by 100.

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

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

1 below the veteran in rank order based on the totals
2 received if all points under this subsection were to be
3 awarded. Any remaining ties on the list shall be determined
4 by lot.

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

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

1 prescribe the total number of preference points awarded
2 under this Section, but the total number of preference
3 points shall not be less than 10 points or more than 30
4 points.

5 No person entitled to any preference shall be required to
6 claim the credit before any examination held under the
7 provisions of this Section, but the preference shall be given
8 after the posting or publication of the initial eligibility
9 list or register at the request of a person entitled to a
10 credit before any certification or appointments are made from
11 the eligibility register, upon the furnishing of verifiable
12 evidence and proof of qualifying preference credit. Candidates
13 who are eligible for preference credit shall make a claim in
14 writing within 10 days after the posting of the initial
15 eligibility list, or the claim shall be deemed waived. Final
16 eligibility registers shall be established after the awarding
17 of verified preference points. All employment shall be subject
18 to the commission's initial hire background review including,
19 but not limited to, criminal history, employment history, moral
20 character, oral examination, and medical and psychological
21 examinations, all on a pass-fail basis. The medical and
22 psychological examinations must be conducted last, and may only
23 be performed after a conditional offer of employment has been
24 extended.

25 Any person placed on an eligibility list who exceeds the
26 age requirement before being appointed to a fire department

1 shall remain eligible for appointment until the list is
2 abolished, or his or her name has been on the list for a period
3 of 2 years. No person who has attained the age of 35 years
4 shall be inducted into a fire department, except as otherwise
5 provided in this Section.

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

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

24 A classifiable set of the fingerprints of every person who
25 is offered employment as a certificated member of an affected
26 fire department whether with or without compensation, shall be

1 furnished to the Illinois Department of State Police and to the
2 Federal Bureau of Investigation by the commission.

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

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

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

25 A person who is the knowing recipient of test information
26 in advance of the examination shall be disqualified from the

1 examination or discharged from the position to which he or she
2 was appointed, as applicable, and otherwise subjected to
3 disciplinary actions.

4 (65 ILCS 5/10-2.1-6.4 new)

5 Sec. 10-2.1-6.4. Alternative procedure; original
6 appointment; full-time firefighter.

7 (a) Authority. The Joint Labor and Management Committee
8 (JLMC), as defined in Section 50 of the Fire Department
9 Promotion Act, may establish a community outreach program to
10 market the profession of firefighter and firefighter-paramedic
11 so as to ensure the pool of applicants recruited is of broad
12 diversity and the highest quality.

13 For the purposes of this Section, "firefighter" means any
14 person who has been prior to, on, or after the effective date
15 of this amendatory Act of the 97th General Assembly appointed
16 to a fire department or fire protection district or employed by
17 a State university and sworn or commissioned to perform
18 firefighter duties or paramedic duties, or both, except that
19 the following persons are not included: part-time
20 firefighters; auxiliary, reserve, or voluntary firefighters,
21 including paid-on-call firefighters; clerks and dispatchers or
22 other civilian employees of a fire department or fire
23 protection district who are not routinely expected to perform
24 firefighter duties; and elected officials.

25 (b) Eligibility. Persons eligible for placement on the

1 master register of eligibles shall consist of the following:

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

9 Qualified candidates shall be listed on the master
10 register of eligibles in highest to lowest rank order based
11 upon their test scores without regard to their date of
12 examination. Candidates listed on the master register of
13 eligibles shall be eligible for appointment for 2 years
14 after the date of the certification of their final score on
15 the register without regard to the date of their
16 examination. After 2 years, the candidate's name shall be
17 struck from the list.

18 Any person currently employed as a full-time member of
19 a fire department or any person who has experienced a
20 non-voluntary (and non-disciplinary) separation from the
21 active workforce due to a reduction in the number of
22 departmental officers, who was appointed pursuant to
23 Division 1 of Article 10 of the Illinois Municipal Code,
24 Division 2.1 of Article 10 of the Illinois Municipal Code,
25 or the Fire Protection District Act, and who during the
26 previous 24 months participated in and received a passing

1 score on the physical ability and mental aptitude
2 components of the test may request that his or her name be
3 added to the master register. Any eligible person may be
4 offered employment by a local commission under the same
5 procedures as provided by this Section except that the
6 apprenticeship period may be waived and the applicant may
7 be immediately issued a certificate of original
8 appointment by the local commission.

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

10 The purpose for establishing a master register of eligibles
11 shall be to identify applicants who possess and demonstrate the
12 mental aptitude and physical ability to perform the duties
13 required of members of the fire department in order to provide
14 the highest quality of service to the public. To this end, all
15 applicants for original appointment to an affected fire
16 department through examination conducted by the Joint Labor and
17 Management Committee (JLMC) shall be subject to examination and
18 testing which shall be public, competitive, and open to all
19 applicants. Any subjective component of the testing must be
20 administered by certified assessors. All qualifying and
21 disqualifying factors applicable to examination processes for
22 local commissions in this amendatory Act of the 97th General
23 Assembly shall be applicable to persons participating in Joint
24 Labor and Management Committee examinations unless
25 specifically provided otherwise in this Section.

26 Notice of the time, place, general scope, and fee of every

1 JLMC examination shall be given by the JLMC or designated
2 testing agency, as applicable, by a publication at least 30
3 days preceding the examination, in one or more newspapers
4 published in the region, or if no newspaper is published
5 therein, then in one or more newspapers with a general
6 circulation within the region. The JLMC may publish the notice
7 on the JLMC's Internet website. Additional notice of the
8 examination may be given as the JLMC shall prescribe.

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

20 (e) Mental aptitude. Examination of an applicant's mental
21 aptitude shall be based upon written examination and an
22 applicant's prior experience demonstrating an aptitude for and
23 commitment to service as a member of a fire department. Written
24 examinations shall be practical in character and relate to
25 those matters that fairly test the capacity of the persons
26 examined to discharge the duties performed by members of a fire

1 department. Written examinations shall be administered in a
2 manner that ensures the security and accuracy of the scores
3 achieved. Any subjective component of the testing must be
4 administered by certified assessors. No person who does not
5 possess a high school diploma or an equivalent high school
6 education shall be placed on a register of eligibles. Local
7 commissions may establish educational, emergency medical
8 service licensure, and other pre-requisites for hire within
9 their jurisdiction.

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

26 (1) Muscular strength to perform tasks and evolutions

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

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

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

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 master register of eligibles shall be
18 determined by the person's score on the written examination,
19 the person successfully passing the physical ability
20 component, and the addition of any applicable preference
21 points.

22 Applicants who have achieved at least the mean score of all
23 applicants participating in the written examination at the same
24 time, and who successfully pass the physical ability
25 examination shall be placed on the initial eligibility
26 register. For placement on the final eligibility register, the

1 passing score shall be determined by (i) calculating the mean
2 score for all applicants participating in the written test; and
3 (ii) adding 20% to the mean score. Applicants whose total
4 scores, including any applicable preference points, are above
5 the mean score plus 20%, shall be placed on the master register
6 of eligibles by the JLMC.

7 These persons shall take rank upon the register as
8 candidates in the order of their relative excellence based on
9 the highest to the lowest total points scored on the mental
10 aptitude and physical ability components, plus any applicable
11 preference points requested and verified by the JLMC, or
12 approved testing agency.

13 No more than 60 days after each examination, a revised
14 master register of eligibles shall be posted by the JLMC
15 showing the final grades of the candidates without reference to
16 priority of time of examination.

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

22 No person entitled to preference or credit shall be
23 required to claim the credit before any examination held under
24 the provisions of this Section. The preference shall be given
25 after the posting or publication of the applicant's initial
26 score at the request of the person before finalizing the scores

1 from all applicants taking part in a JLMC examination.
2 Candidates who are eligible for preference credit shall make a
3 claim in writing within 10 days after the posting of the
4 initial scores from any JLMC test or the claim shall be deemed
5 waived. Once preference points are awarded, the candidates
6 shall be certified to the master register in accordance with
7 their final score including preference points.

8 (i) Firefighter apprentice and firefighter-paramedic
9 apprentice. The employment of an applicant to an apprentice
10 position (including a currently employed full-time member of a
11 fire department whose apprenticeship may be reduced or waived)
12 shall be subject to the applicant passing the moral character
13 standards and health examinations of the local commission. In
14 addition, a local commission may require as a condition of
15 employment that the applicant demonstrate current physical
16 ability by either passing the local commission's approved
17 physical ability examination, or by presenting proof of
18 participating in and receiving a passing score on the physical
19 ability component of a JLMC test within a period of up to 12
20 months before the date of the conditional offer of employment.
21 Applicants shall be subject to the local commission's initial
22 hire background review including criminal history, employment
23 history, moral character, oral examination, and medical
24 examinations which may include polygraph, psychological, and
25 drug screening components, all on a pass-fail basis. The
26 medical examinations must be conducted last, and may only be

1 performed after a conditional offer of employment has been
2 extended.

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

11 Applicants passing these tests may be employed as a
12 firefighter apprentice or a firefighter-paramedic apprentice
13 who shall serve an apprenticeship period of 12 months or less
14 according to the terms and conditions of employment as the
15 employing municipality or district offers, or as provided for
16 under the terms of any collective bargaining agreement then in
17 effect. The apprenticeship period is separate from the
18 probationary period.

19 Service during the apprenticeship period shall be on a
20 probationary basis. During the apprenticeship period, the
21 apprentice's training and performance shall be monitored and
22 evaluated by a Joint Apprenticeship Committee.

23 The Joint Apprenticeship Committee shall consist of 4
24 members who shall be regular members of the fire department
25 with at least 10 years of full-time work experience as a
26 firefighter or firefighter-paramedic. The fire chief and the

1 president of the exclusive bargaining representative
2 recognized by the employer shall each appoint 2 members to the
3 Joint Apprenticeship Committee. In the absence of an exclusive
4 collective bargaining representative, the chief shall appoint
5 the remaining 2 members who shall be from the ranks of company
6 officer and firefighter with at least 10 years of work
7 experience as a firefighter or firefighter-paramedic. In the
8 absence of a sufficient number of qualified firefighters, the
9 Joint Apprenticeship Committee members shall have the amount of
10 experience and the type of qualifications as is reasonable
11 given the circumstances of the fire department. In the absence
12 of a full-time member in a rank between chief and the highest
13 rank in a bargaining unit, the Joint Apprenticeship Committee
14 shall be reduced to 2 members, one to be appointed by the chief
15 and one by the union president, if any. If there is no
16 exclusive bargaining representative, the chief shall appoint
17 the second member of the Joint Apprenticeship Committee from
18 among qualified members in the ranks of company officer and
19 below. Before the conclusion of the apprenticeship period, the
20 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 (l) Applicability. This Section does not apply to a
14 municipality with more than 1,000,000 inhabitants.

15 Section 10. The Fire Protection District Act is amended by
16 changing Section 16.04a and by adding Sections 16.06b and
17 16.06c as follows:

18 (70 ILCS 705/16.04a) (from Ch. 127 1/2, par. 37.04a)

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

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

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

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

1 To the extent that this Section or any other Section in
2 this Act conflicts with Section 16.06b or 16.06c, then Section
3 16.06b or 16.06c shall control.

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

5 (70 ILCS 705/16.06b new)

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

8 (a) Applicability. Unless a commission elects to follow the
9 provisions of Section 16.06c, this Section shall apply to all
10 original appointments to an affected full-time fire
11 department. Existing registers of eligibles shall continue to
12 be valid until their expiration dates, or up to a maximum of 2
13 years after the effective date of this amendatory Act of the
14 97th General Assembly.

15 Notwithstanding any statute, ordinance, rule, or other law
16 to the contrary, all original appointments to an affected
17 department to which this Section applies shall be administered
18 in a no less stringent manner than the manner provided for in
19 this Section. Provisions of the Illinois Municipal Code, Fire
20 Protection District Act, fire district ordinances, and rules
21 adopted pursuant to such authority and other laws relating to
22 initial hiring of firefighters in affected departments shall
23 continue to apply to the extent they are compatible with this
24 Section, but in the event of a conflict between this Section
25 and any other law, this Section shall control.

1 A fire protection district that is operating under a court
2 order or consent decree regarding original appointments to a
3 full-time fire department before the effective date of this
4 amendatory Act of the 97th General Assembly is exempt from the
5 requirements of this Section for the duration of the court
6 order or consent decree.

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

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

1 person who has a ranking in the top 5% of the register of
2 eligibles or (ii) any person who is among the top 5 highest
3 ranked persons on the list of eligibles if the number of people
4 who have a ranking in the top 5% of the register of eligibles
5 is less than 5 people.

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

14 The sole authority to issue certificates of appointment
15 shall be vested in the board of fire commissioners, or board of
16 trustees serving in the capacity of a board of fire
17 commissioners. All certificates of appointment issued to any
18 officer or member of an affected department shall be signed by
19 the chairperson and secretary, respectively, of the commission
20 upon appointment of such officer or member to the affected
21 department by action of the commission. Each person who accepts
22 a certificate of appointment and successfully completes his or
23 her probationary period shall be enrolled as a firefighter and
24 as a regular member of the fire department.

25 For the purposes of this Section, "firefighter" means any
26 person who has been prior to, on, or after the effective date

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

11 (c) Qualification for placement on register of eligibles.
12 The purpose of establishing a register of eligibles is to
13 identify applicants who possess and demonstrate the mental
14 aptitude and physical ability to perform the duties required of
15 members of the fire department in order to provide the highest
16 quality of service to the public. To this end, all applicants
17 for original appointment to an affected fire department shall
18 be subject to examination and testing which shall be public,
19 competitive, and open to all applicants unless the district
20 shall by ordinance limit applicants to residents of the
21 district, county or counties in which the district is located,
22 State, or nation. Districts may establish educational,
23 emergency medical service licensure, and other pre-requisites
24 for participation in an examination or for hire as a
25 firefighter. Any fire protection district may charge a fee to
26 cover the costs of the application process.

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 no more
6 than 2 positions that rank immediately below that of the chief
7 rank which are appointed positions pursuant to the Fire
8 Department Promotion Act.

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

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

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

1 provide all or part of its fire protection service.

2 No person who is under 21 years of age shall be eligible
3 for employment as a firefighter.

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

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

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

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

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

21 The examination and qualifying standards for employment of
22 firefighters shall be based on: mental aptitude, physical
23 ability, preferences, moral character, and health. The mental
24 aptitude, physical ability, and preference components shall
25 determine an applicant's qualification for and placement on the
26 final register of eligibles. The examination may also include a

1 subjective component based on merit criteria as determined by
2 the commission. Scores from the examination must be made
3 available to the public.

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

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

1 dimensions (or a similar test designed to ensure that the
2 successful candidates are able to perform the essential
3 functions of the firefighter's job description):

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

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

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

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

24 (g) Scoring of examination components. Appointing
25 authorities may create a preliminary eligibility register. A
26 person shall be placed on the list based upon his or her

1 passage of the written examination or the passage of the
2 written examination and the physical ability component.
3 Passage of the written examination means a score that is at or
4 above the mean score for all applicants participating in the
5 written test. The appointing authority may conduct the physical
6 ability component and any subjective components subsequent to
7 the posting of the preliminary eligibility register.

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

15 In order to qualify for placement on the final eligibility
16 register, an applicant's total score, before any applicable
17 preference points are applied, shall be at or above the mean
18 score plus 10%. The local appointing authority may prescribe
19 the score to qualify for placement on the final eligibility
20 register, but the score shall not be less than the mean score
21 plus 10%.

22 The commission shall prepare and keep a register of persons
23 whose total score is not less than the minimum fixed by this
24 Section and who have passed the physical ability examination.
25 These persons shall take rank upon the register as candidates
26 in the order of their relative excellence based on the highest

1 to the lowest total points scored on the mental aptitude,
2 subjective component, and preference components of the test
3 administered in accordance with this Section. No more than 60
4 days after each examination, an initial eligibility list shall
5 be posted by the commission. The list shall include the final
6 grades of the candidates without reference to priority of the
7 time of examination and subject to claim for preference credit.

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

17 (h) Preferences. The following are preferences:

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

26 (2) Fire cadet preference. Persons who have

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

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

18 (5) Experience preference. All persons employed by a
19 district who have been paid-on-call or part-time certified
20 Firefighter II, certified Firefighter III, State of
21 Illinois or nationally licensed EMT-B or EMT-I, licensed
22 paramedic, or any combination of those capacities may be
23 awarded up to a maximum of 5 points. However, the applicant
24 may not be awarded more than 0.5 points for each complete
25 year of paid-on-call or part-time service. Applicants from
26 outside the district who were employed as full-time

1 firefighters or firefighter-paramedics by a fire
2 protection district or municipality for at least 2 years
3 may be awarded up to 5 experience preference points.
4 However, the applicant may not be awarded more than one
5 point for each complete year of full-time service.

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

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

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

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

1 No person entitled to any preference shall be required to
2 claim the credit before any examination held under the
3 provisions of this Section, but the preference shall be given
4 after the posting or publication of the initial eligibility
5 list or register at the request of a person entitled to a
6 credit before any certification or appointments are made from
7 the eligibility register, upon the furnishing of verifiable
8 evidence and proof of qualifying preference credit. Candidates
9 who are eligible for preference credit shall make a claim in
10 writing within 10 days after the posting of the initial
11 eligibility list, or the claim shall be deemed waived. Final
12 eligibility registers shall be established after the awarding
13 of verified preference points. All employment shall be subject
14 to the commission's initial hire background review including,
15 but not limited to, criminal history, employment history, moral
16 character, oral examination, and medical and psychological
17 examinations, all on a pass-fail basis. The medical and
18 psychological examinations must be conducted last, and may only
19 be performed after a conditional offer of employment has been
20 extended.

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 2 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 2 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 the 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 for violating this subsection and after a trial as
19 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, the information contained
7 in State files as is necessary to fulfill the 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 only until regular appointments are made under the provisions
13 of this Section, 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 (70 ILCS 705/16.06c new)

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

4 (a) Authority. The Joint Labor and Management Committee
5 (JLMC), as defined in Section 50 of the Fire Department
6 Promotion Act, may establish a community outreach program to
7 market the profession of firefighter and firefighter-paramedic
8 so as to ensure the pool of applicants recruited is of broad
9 diversity and the highest quality.

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

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

24 Persons who have participated in and received a passing
25 total score on the mental aptitude, physical ability, and
26 preference components of a regionally administered test

1 based on the standards described in this Section. The
2 standards for administering these tests and the minimum
3 passing score required for placement on this list shall be
4 as is set forth in this Section.

5 Qualified candidates shall be listed on the master
6 register of eligibles in highest to lowest rank order based
7 upon their test scores without regard to their date of
8 examination. Candidates listed on the master register of
9 eligibles shall be eligible for appointment for 2 years
10 after the date of the certification of their final score on
11 the register without regard to the date of their
12 examination. After 2 years, the candidate's name shall be
13 struck from the list.

14 Any person currently employed as a full-time member of
15 a fire department or any person who has experienced a
16 non-voluntary (and non-disciplinary) separation from the
17 active workforce due to a reduction in the number of
18 departmental officers, who was appointed pursuant to
19 Division 1 of Article 10 of the Illinois Municipal Code,
20 Division 2.1 of Article 10 of the Illinois Municipal Code,
21 or the Fire Protection District Act, and who during the
22 previous 24 months participated in and received a passing
23 score on the physical ability and mental aptitude
24 components of the test may request that his or her name be
25 added to the master register. Any eligible person may be
26 offered employment by a local commission under the same

1 procedures as provided by this Section except that the
2 apprenticeship period may be waived and the applicant may
3 be immediately issued a certificate of original
4 appointment by the local commission.

5 (c) Qualifications for placement on register of eligibles.
6 The purpose for establishing a master register of eligibles
7 shall be to identify applicants who possess and demonstrate the
8 mental aptitude and physical ability to perform the duties
9 required of members of the fire department in order to provide
10 the highest quality of service to the public. To this end, all
11 applicants for original appointment to an affected fire
12 department through examination conducted by the Joint Labor and
13 Management Committee (JLMC) shall be subject to examination and
14 testing which shall be public, competitive, and open to all
15 applicants. Any subjective component of the testing must be
16 administered by certified assessors. All qualifying and
17 disqualifying factors applicable to examination processes for
18 local commissions in this amendatory Act of the 97th General
19 Assembly shall be applicable to persons participating in Joint
20 Labor and Management Committee examinations unless
21 specifically provided otherwise in this Section.

22 Notice of the time, place, general scope, and fee of every
23 JLMC examination shall be given by the JLMC or designated
24 testing agency, as applicable, by a publication at least 30
25 days preceding the examination, in one or more newspapers
26 published in the region, or if no newspaper is published

1 therein, then in one or more newspapers with a general
2 circulation within the region. The JLMC may publish the notice
3 on the JLMC's Internet website. Additional notice of the
4 examination may be given as the JLMC shall prescribe.

5 (d) Examination and testing components for placement on
6 register of eligibles. The examination and qualifying
7 standards for placement on the master register of eligibles and
8 employment shall be based on the following components: mental
9 aptitude, physical ability, preferences, moral character, and
10 health. The mental aptitude, physical ability, and preference
11 components shall determine an applicant's qualification for
12 and placement on the master register of eligibles. The
13 consideration of an applicant's general moral character and
14 health shall be administered on a pass-fail basis after a
15 conditional offer of employment is made by a local commission.

16 (e) Mental aptitude. Examination of an applicant's mental
17 aptitude shall be based upon written examination and an
18 applicant's prior experience demonstrating an aptitude for and
19 commitment to service as a member of a fire department. Written
20 examinations shall be practical in character and relate to
21 those matters that fairly test the capacity of the persons
22 examined to discharge the duties performed by members of a fire
23 department. Written examinations shall be administered in a
24 manner that ensures the security and accuracy of the scores
25 achieved. Any subjective component of the testing must be
26 administered by certified assessors. No person who does not

1 possess a high school diploma or an equivalent high school
2 education shall be placed on a register of eligibles. Local
3 commissions may establish educational, emergency medical
4 service licensure, and other pre-requisites for hire within
5 their jurisdiction.

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

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

1 performing tasks and evolutions. Tasks tested are to be
2 based on industry standards developed by the JLMC by rule.

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 and complex problem solving during physical exertion in
8 stressful and hazardous environments. The testing
9 environment may be hot and dark with tightly enclosed
10 spaces, flashing lights, sirens, and other distractions.

11 (g) Scoring of examination components. The examination
12 components shall be graded on a 100-point scale. A person's
13 position on the master register of eligibles shall be
14 determined by the person's score on the written examination,
15 the person successfully passing the physical ability
16 component, and the addition of any applicable preference
17 points.

18 Applicants who have achieved at least the mean score of all
19 applicants participating in the written examination at the same
20 time, and who successfully pass the physical ability
21 examination shall be placed on the initial eligibility
22 register. For placement on the final eligibility register, the
23 passing score shall be determined by (i) calculating the mean
24 score for all applicants participating in the written test; and
25 (ii) adding 20% to the mean score. Applicants whose total
26 scores, including any applicable preference points, are above

1 the mean score plus 20%, shall be placed on the master register
2 of eligibles by the JLMC.

3 These persons shall take rank upon the register as
4 candidates in the order of their relative excellence based on
5 the highest to the lowest total points scored on the mental
6 aptitude and physical ability components, plus any applicable
7 preference points requested and verified by the JLMC, or
8 approved testing agency.

9 No more than 60 days after each examination, a revised
10 master register of eligibles shall be posted by the JLMC
11 showing the final grades of the candidates without reference to
12 priority of time of examination.

13 (h) Preferences. The board shall give military, education,
14 and experience preference points to those who qualify for
15 placement on the master register of eligibles, on the same
16 basis as provided for examinations administered by a local
17 commission.

18 No person entitled to preference or credit shall be
19 required to claim the credit before any examination held under
20 the provisions of this Section. The preference shall be given
21 after the posting or publication of the applicant's initial
22 score at the request of the person before finalizing the scores
23 from all applicants taking part in a JLMC examination.
24 Candidates who are eligible for preference credit shall make a
25 claim in writing within 10 days after the posting of the
26 initial scores from any JLMC test or the claim shall be deemed

1 waived. Once preference points are awarded, the candidates
2 shall be certified to the master register in accordance with
3 their final score including preference points.

4 (i) Firefighter apprentice and firefighter-paramedic
5 apprentice. The employment of an applicant to an apprentice
6 position (including a currently employed full-time member of a
7 fire department whose apprenticeship may be reduced or waived)
8 shall be subject to the applicant passing the moral character
9 standards and health examinations of the local commission. In
10 addition, a local commission may require as a condition of
11 employment that the applicant demonstrate current physical
12 ability by either passing the local commission's approved
13 physical ability examination, or by presenting proof of
14 participating in and receiving a passing score on the physical
15 ability component of a JLMC test within a period of up to 12
16 months before the date of the conditional offer of employment.
17 Applicants shall be subject to the local commission's initial
18 hire background review including criminal history, employment
19 history, moral character, oral examination, and medical
20 examinations which may include polygraph, psychological, and
21 drug screening components, all on a pass-fail basis. The
22 medical examinations must be conducted last, and may only be
23 performed after a conditional offer of employment has been
24 extended.

25 (j) Selection from list. Any municipality or fire
26 protection district that is a party to an intergovernmental

1 agreement under the terms of which persons have been tested for
2 placement on the master register of eligibles shall be entitled
3 to offer employment to any person on the list irrespective of
4 their ranking on the list. The offer of employment shall be to
5 the position of firefighter apprentice or
6 firefighter-paramedic apprentice.

7 Applicants passing these tests may be employed as a
8 firefighter apprentice or a firefighter-paramedic apprentice
9 who shall serve an apprenticeship period of 12 months or less
10 according to the terms and conditions of employment as the
11 employing municipality or district offers, or as provided for
12 under the terms of any collective bargaining agreement then in
13 effect. The apprenticeship period is separate from the
14 probationary period.

15 Service during the apprenticeship period shall be on a
16 probationary basis. During the apprenticeship period, the
17 apprentice's training and performance shall be monitored and
18 evaluated by a Joint Apprenticeship Committee.

19 The Joint Apprenticeship Committee shall consist of 4
20 members who shall be regular members of the fire department
21 with at least 10 years of full-time work experience as a
22 firefighter or firefighter-paramedic. The fire chief and the
23 president of the exclusive bargaining representative
24 recognized by the employer shall each appoint 2 members to the
25 Joint Apprenticeship Committee. In the absence of an exclusive
26 collective bargaining representative, the chief shall appoint

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

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

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

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

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.