



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3203

by Rep. Donald L. Moffitt

SYNOPSIS AS INTRODUCED:

65 ILCS 5/10-1-7.1
65 ILCS 5/10-2.1-6.3

Amends the Illinois Municipal Code. Provides that an individual who turned 35 while serving as a member of the active or reserve components of any of the branches of the Armed Forces of the United States or the National Guard of any state, whose service was characterized as honorable or under honorable, and is currently under the age of 40 is eligible to take an examination for a position as a firefighter. Effective immediately.

LRB099 08813 AWJ 28984 b

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 10-1-7.1 and 10-2.1-6.3 as follows:

6 (65 ILCS 5/10-1-7.1)

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

9 (a) Applicability. Unless a commission elects to follow the
10 provisions of Section 10-1-7.2, this Section shall apply to all
11 original appointments to an affected full-time fire
12 department. Existing registers of eligibles shall continue to
13 be valid until their expiration dates, or up to a maximum of 2
14 years after the effective date of this amendatory Act of the
15 97th General Assembly.

16 Notwithstanding any statute, ordinance, rule, or other law
17 to the contrary, all original appointments to an affected
18 department to which this Section applies shall be administered
19 in the manner provided for in this Section. Provisions of the
20 Illinois Municipal Code, municipal 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

1 Section, but in the event of a conflict between this Section
2 and any other law, this Section shall control.

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

10 A municipality that is operating under a court order or
11 consent decree regarding original appointments to a full-time
12 fire department before the effective date of this amendatory
13 Act of the 97th General Assembly is exempt from the
14 requirements of this Section for the duration of the court
15 order or consent decree.

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

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

26 Whenever an appointing authority authorizes action to hire

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

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

26 The sole authority to issue certificates of appointment

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

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 (c) Qualification for placement on register of eligibles.
23 The purpose of establishing a register of eligibles is to
24 identify applicants who possess and demonstrate the mental
25 aptitude and physical ability to perform the duties required of
26 members of the fire department in order to provide the highest

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

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

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

1 in the regularly constituted fire department of the
2 municipality, except as provided in this Section. The age
3 limitation does not apply to:

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

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

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

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

25 No applicant shall be examined concerning his or her
26 political or religious opinions or affiliations. The

1 examinations shall be conducted by the commissioners of the
2 municipality or their designees and agents.

3 No municipality shall require that any firefighter
4 appointed to the lowest rank serve a probationary employment
5 period of longer than one year of actual active employment,
6 which may exclude periods of training, or injury or illness
7 leaves, including duty related leave, in excess of 30 calendar
8 days. Notwithstanding anything to the contrary in this Section,
9 the probationary employment period limitation may be extended
10 for a firefighter who is required, as a condition of
11 employment, to be a licensed 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 licensure.

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

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

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

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

26 (e) Mental aptitude. No person who does not possess at

1 least a high school diploma or an equivalent high school
2 education shall be placed on a register of eligibles.
3 Examination of an applicant's mental aptitude shall be based
4 upon a written examination. The examination shall be practical
5 in character and relate to those matters that fairly test the
6 capacity of the persons examined to discharge the duties
7 performed by members of a fire department. Written examinations
8 shall be administered in a manner that ensures the security and
9 accuracy of the scores achieved.

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 the following
23 dimensions:

24 (1) Muscular strength to perform tasks and evolutions
25 that may be required in the performance of duties including
26 grip strength, leg strength, and arm strength. Tests shall

1 be conducted under anaerobic as well as aerobic conditions
2 to test both the candidate's speed and endurance in
3 performing tasks and evolutions. Tasks tested may be based
4 on standards developed, or approved, by the local
5 appointing authority.

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

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

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

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

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

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

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

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

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

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

22 (h) Preferences. The following are preferences:

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

1 on inactive or reserve duty in such military or naval
2 service, shall be preferred for appointment to and
3 employment with the fire department of an affected
4 department.

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

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

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

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

1 awarded up to a maximum of 5 points. However, the applicant
2 may not be awarded more than 0.5 points for each complete
3 year of paid-on-call or part-time service. Applicants from
4 outside the municipality who were employed as full-time
5 firefighters or firefighter-paramedics by a fire
6 protection district or another municipality may be awarded
7 up to 5 experience preference points. However, the
8 applicant may not be awarded more than one point for each
9 complete year of full-time service.

10 Upon request by the commission, the governing body of
11 the municipality or in the case of applicants from outside
12 the municipality the governing body of any fire protection
13 district or any other 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 (6) Residency preference. Applicants whose principal
2 residence is located within the fire department's
3 jurisdiction may be preferred for appointment to and
4 employment with the fire department.

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 the
20 Criminal Code of 2012, or arrest for any cause without
21 conviction thereon. Any such person who is in the department
22 may be removed on charges brought for violating this subsection
23 and after a trial as 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 (Source: P.A. 97-251, eff. 8-4-11; 97-898, eff. 8-6-12;
5 97-1150, eff. 1-25-13; 98-760, eff. 7-16-14; 98-973, eff.
6 8-15-14; revised 10-2-14.)

7 (65 ILCS 5/10-2.1-6.3)

8 Sec. 10-2.1-6.3. Original appointments; full-time fire
9 department.

10 (a) Applicability. Unless a commission elects to follow the
11 provisions of Section 10-2.1-6.4, this Section shall apply to
12 all original appointments to an affected full-time fire
13 department. Existing registers of eligibles shall continue to
14 be valid until their expiration dates, or up to a maximum of 2
15 years after the effective date of this amendatory Act of the
16 97th General Assembly.

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

1 and any other law, this Section shall control.

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

9 A municipality that is operating under a court order or
10 consent decree regarding original appointments to a full-time
11 fire department before the effective date of this amendatory
12 Act of the 97th General Assembly is exempt from the
13 requirements of this Section for the duration of the court
14 order or consent decree.

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

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

25 Whenever an appointing authority authorizes action to hire
26 a person to perform the duties of a firefighter or to hire a

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

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

25 The sole authority to issue certificates of appointment
26 shall be vested in the board of fire and police commissioners.

1 All certificates of appointment issued to any officer or member
2 of an affected department shall be signed by the chairperson
3 and secretary, respectively, of the board upon appointment of
4 such officer or member to the affected department by action of
5 the board. Each person who accepts a certificate of appointment
6 and successfully completes his or her probationary period shall
7 be enrolled as a firefighter and as a regular member of the
8 fire department.

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

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

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

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

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

24 No applicant shall be examined concerning his or her
25 political or religious opinions or affiliations. The
26 examinations shall be conducted by the commissioners of the

1 municipality or their designees and agents.

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

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

1 examined as provided in this Section, and if the physical
2 ability of that applicant is found to be less than the minimum
3 standard fixed by the rules of the commission, the applicant
4 shall not be appointed, and the name of the applicant shall be
5 removed from the register.

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

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

25 (e) Mental aptitude. No person who does not possess at
26 least a high school diploma or an equivalent high school

1 education shall be placed on a register of eligibles.
2 Examination of an applicant's mental aptitude shall be based
3 upon a written examination. The examination shall be practical
4 in character and relate to those matters that fairly test the
5 capacity of the persons examined to discharge the duties
6 performed by members of a fire department. Written examinations
7 shall be administered in a manner that ensures the security and
8 accuracy of the scores achieved.

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

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

1 to test both the candidate's speed and endurance in
2 performing tasks and evolutions. Tasks tested may be based
3 on standards developed, or approved, by the local
4 appointing authority.

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

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

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

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

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

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

26 The commission shall prepare and keep a register of persons

1 whose total score is not less than the minimum score for
2 passage and who have passed the physical ability examination.
3 These persons shall take rank upon the register as candidates
4 in the order of their relative excellence based on the highest
5 to the lowest total points scored on the mental aptitude,
6 subjective component, and preference components of the test
7 administered in accordance with this Section. No more than 60
8 days after each examination, an initial eligibility list shall
9 be posted by the commission. The list shall include the final
10 grades of the candidates without reference to priority of the
11 time of examination and subject to claim for preference credit.

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

21 (h) Preferences. The following are preferences:

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

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

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

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

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

21 (5) Experience preference. All persons employed by a
22 municipality who have been paid-on-call or part-time
23 certified Firefighter II, State of Illinois or nationally
24 licensed EMT, EMT-I, A-EMT, or any combination of those
25 capacities shall be awarded 0.5 point for each year of
26 successful service in one or more of those capacities, up

1 to a maximum of 5 points. Certified Firefighter III and
2 State of Illinois or nationally licensed paramedics shall
3 be awarded one point per year up to a maximum of 5 points.
4 Applicants from outside the municipality who were employed
5 as full-time firefighters or firefighter-paramedics by a
6 fire protection district or another municipality for at
7 least 2 years shall be awarded 5 experience preference
8 points. These additional points presuppose a rating scale
9 totaling 100 points available for the eligibility list. If
10 more or fewer points are used in the rating scale for the
11 eligibility list, the points awarded under this subsection
12 shall be increased or decreased by a factor equal to the
13 total possible points available for the examination
14 divided by 100.

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

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

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

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

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

1 the requisite number of points to the final grade for each
2 recognized preference achieved. The numerical result thus
3 attained shall be applied by the commission in determining
4 the final eligibility list and appointment from the
5 eligibility list. The local appointing authority may
6 prescribe the total number of preference points awarded
7 under this Section, but the total number of preference
8 points shall not be less than 10 points or more than 30
9 points.

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

1 psychological examinations must be conducted last, and may only
2 be performed after a conditional offer of employment has been
3 extended.

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

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

14 (i) Moral character. No person shall be appointed to a fire
15 department unless he or she is a person of good character; not
16 a habitual drunkard, a gambler, or a person who has been
17 convicted of a felony or a crime involving moral turpitude.
18 However, no person shall be disqualified from appointment to
19 the fire department because of the person's record of
20 misdemeanor convictions except those under Sections 11-6,
21 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,
22 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,
23 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and subsections
24 1, 6, and 8 of Section 24-1 of the Criminal Code of 1961 or the
25 Criminal Code of 2012, or arrest for any cause without
26 conviction thereon. Any such person who is in the department

1 may be removed on charges brought for violating this subsection
2 and after a trial as hereinafter provided.

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

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

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

25 (k) A person who knowingly divulges or receives test
26 questions or answers before a written examination, or 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 (Source: P.A. 97-251, eff. 8-4-11; 97-898, eff. 8-6-12;
10 97-1150, eff. 1-25-13; 98-760, eff. 7-16-14; 98-973, eff.
11 8-15-14, revised 10-2-14.)

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