



Rep. Jehan Gordon-Booth

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LRB099 17313 AWJ 45815 a

1 AMENDMENT TO HOUSE BILL 5201

2 AMENDMENT NO. _____. Amend House Bill 5201 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Municipal Code is amended by
5 changing Section 10-1-7.1 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 August 4, 2011 (the effective date of Public Act
15 97-251) ~~this amendatory Act of the 97th General Assembly.~~

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

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

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

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

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

26 (b) Original appointments. All original appointments made

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

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

25 Any candidate may pass on an appointment once without
26 losing his or her position on the register of eligibles. Any

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

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

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

1 department or fire protection district who are not routinely
2 expected to perform firefighter duties; and elected officials.

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

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

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

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

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

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

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

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

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

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

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

22 In the event that any applicant who has been found eligible
23 for appointment and whose name has been placed upon the final
24 eligibility register provided for in this Division 1 has not
25 been appointed to a firefighter position within one year after
26 the date of his or her physical ability examination, the

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

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

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

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

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

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

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

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

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

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

21 The tests utilized to measure each applicant's
22 capabilities in each of these dimensions may be tests based on
23 industry standards currently in use or equivalent tests
24 approved by the Joint Labor-Management Committee of the Office
25 of the State Fire Marshal.

26 Physical ability examinations administered under this

1 Section shall be conducted with a reasonable number of proctors
2 and monitors, open to the public, and subject to reasonable
3 regulations of the commission.

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

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

26 In order to qualify for placement on the final eligibility

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

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

20 Commissions may conduct additional examinations, including
21 without limitation a polygraph test, after a final eligibility
22 register is established and before it expires with the
23 candidates ranked by total score without regard to date of
24 examination. No more than 60 days after each examination, an
25 initial eligibility list shall be posted by the commission
26 showing the final grades of the candidates without reference to

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

3 (h) Preferences. The following are preferences:

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

12 (1-5) Minorities shall be preferred for appointment
13 to, and employment with, the fire department of an affected
14 department. For purposes of this paragraph, "minority"
15 means a person who is any of the following: (1) American
16 Indian or Alaska Native (a person having origins in any of
17 the original peoples of North and South America, including
18 Central America, and who maintains tribal affiliation or
19 community attachment); (2) Asian (a person having origins
20 in any of the original peoples of the Far East, Southeast
21 Asia, or the Indian subcontinent, including, but not
22 limited to, Cambodia, China, India, Japan, Korea,
23 Malaysia, Pakistan, the Philippine Islands, Thailand, and
24 Vietnam); (3) Black or African American (a person having
25 origins in any of the black racial groups of Africa). Terms
26 such as "Haitian" or "Negro" can be used in addition to

1 "Black or African American"; (4) Hispanic or Latino (a
2 person of Cuban, Mexican, Puerto Rican, South or Central
3 American, or other Spanish culture or origin, regardless of
4 race); (5) Native Hawaiian or other Pacific Islander (a
5 person having origins in any of the original peoples of
6 Hawaii, Guam, Samoa, or other Pacific Islands).

7 (1-10) Women shall be preferred for appointment to, and
8 employment with, the fire department of an affected
9 department.

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

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

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

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

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 may 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 items ~~item~~ (1), (1-5), and (1-10) by adding to the final
17 grade that they receive 5 points for the recognized
18 preference achieved. However, no more than 5 points may be
19 added to the final grade of a person who meets the
20 requirements of both (1-5) and (1-10). The commission shall
21 determine the number of preference points for each category
22 except (1), (1-5), and (1-10). The number of preference
23 points for each category shall range from 0 to 5. In
24 determining the number of preference points, the
25 commission shall prescribe that if a candidate earns the
26 maximum number of preference points in all categories, that

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

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

1 but not limited to, criminal history, employment history, moral
2 character, oral examination, and medical and psychological
3 examinations, all on a pass-fail basis. The medical and
4 psychological examinations must be conducted last, and may only
5 be performed after a conditional offer of employment has been
6 extended.

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

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

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

1 1, 6, and 8 of Section 24-1 of the Criminal Code of 1961 or the
2 Criminal Code of 2012, or arrest for any cause without
3 conviction thereon. Any such person who is in the department
4 may be removed on charges brought for violating this subsection
5 and after a trial as hereinafter provided.

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

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

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

1 any calendar year.

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

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

12 (Source: P.A. 98-760, eff. 7-16-14; 98-973, eff. 8-15-14;
13 99-78, eff. 7-20-15; 99-379, eff. 8-17-15.)".