

AN ACT concerning local government.

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

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

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

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

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

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

appointment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(70 ILCS 705/16.04b new)

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

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

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

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

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

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