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Bill Analysis
Legislative Service Commission

Sub. H.B. 576*

124th General Assembly
(As Reported by H. State Government)

Reps. Reidelbach, Calvert, Webster, Seaver, DeBose

BILL SUMMARY

- Allows promotional examinations for firefighters to be oral as well as written, and specifies, for specific positions, the maximum percentages that can be represented by the oral component of the examination.
- Requires a promotional board or an independent assessment entity to conduct the oral component of a firefighter promotional examination.

CONTENT AND OPERATION

Current law governing the form of firefighter promotional examinations

Current law requires that vacancies in positions above the rank of regular firefighter in a city or civil service township (see **COMMENT 1**) fire department be filled by competitive promotional examinations. Promotional examinations must relate to those matters that test the ability of the person examined to discharge the particular duties of the position sought and *must be in writing*, although examinations for positions requiring the operation of machines or equipment may include practical demonstration tests of the operation of the machines or equipment. (Sec. 124.45.)

Changes proposed by the bill

The bill allows firefighter promotional examinations to be *written or a combination of written and oral*, and maintains the provision of existing law that authorizes these examinations to include practical demonstration tests. Under the bill, except for the portion of an examination involving practical demonstration

* *This analysis was prepared before the report of the House State Government Committee appeared in the House Journal. Note that the list of co-sponsors and the legislative history may be incomplete.*

tests, the percentage of the final grade represented by the oral component of an examination may not exceed the following: (1) 25% for examinations for the promoted rank of lieutenant or a comparable position, (2) 40% for examinations for the promoted rank of captain or a comparable position, (3) 55% for examinations for the promoted rank of battalion chief or a comparable position, (4) 65% for examinations for the promoted rank of assistant fire chief or a comparable position, and (5) 80% for examinations for the promoted rank of fire chief or a comparable position. (Sec. 124.45(C).)

The bill requires the legislative authority of the city or civil service township to cause either a promotional board or an independent assessment and testing entity to conduct the oral component of the promotional examination (sec. 124.45(D)). It defines an "independent assessment and testing entity" as any individual, corporation, limited liability company, partnership, association, society, or other entity that conducts promotional examinations for positions within a fire department (sec. 124.45(A)(2)).

The bill also defines a "promotional board" as a board consisting generally of the following people (sec. 124.45(A)(3)(a)):

- The Fire Chief or a person holding a comparable position;
- The Public Safety Director or a person holding a comparable position;
- An arbitrator selected by the legislative authority of the city or civil service township and an employee organization representing firefighters (see **COMMENT 2**);
- One employee from the rank in which the vacancy exists, selected by an employee organization, or, if there is no such employee, another employee selected by that organization;
- One member of an employee organization selected by the organization.

If there is no firefighters' employee organization, the promotional board instead must consist of only the Fire Chief and the Public Safety Director, or persons holding comparable positions (sec. 124.45(A)(3)(b)).

COMMENT

1. A civil service township is a township that has (a) a population of 10,000 or more in its unincorporated territory, (b) its own fire or police department

employing ten or more full-time paid employees, and (c) a civil service commission established by the board of township trustees. A civil service township must comply with the procedure for the employment, promotion, and discharge of city firefighters required under the state Civil Service Law. (Secs. 124.40(B) and 505.38(C), not in the bill.)

2. "Employee organization" is defined in the Public Employees' Collective Bargaining Law as any labor or bona fide organization in which public employees participate and that exists for the purpose, in whole or in part, of dealing with public employers concerning grievances, labor disputes, wages, hours, terms, and other conditions of employment (sec. 124.45(A)(1) by cross-reference to sec. 4117.01(D), not in the bill).

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	05-09-02	p. 1734
Reported, H. State Gov't	---	---

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