

AN ACT concerning government.

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

Section 5. The Volunteer Emergency Worker Job Protection Act is amended by changing Sections 5, 10, and 20 as follows:

(50 ILCS 748/5)

Sec. 5. Volunteer emergency worker; when termination of employment prohibited.

(a) No public or private employer may terminate or penalize an employee who is a volunteer emergency worker because the employee, when acting as a volunteer emergency worker, is absent from or late to his or her employment in order to respond to an emergency prior to the time the employee is to report to his or her place of employment or is participating in training that the employee is required to participate in as a volunteer emergency worker.

(a-5) A public or private employer shall not discipline an employee who is a volunteer emergency worker if the employee, in the scope of acting as a volunteer emergency worker, responds to an emergency phone call or text message during work hours that requests the person's volunteer emergency services. This subsection (a-5) does not apply to a person employed by a public or private vehicle service provider and

who is in the course of performing services as Emergency Medical Services personnel as defined in Section 3.5 of the Emergency Medical Services (EMS) Systems Act. This subsection (a-5) shall not diminish or supersede an employer's written workplace policy, a collective bargaining agreement, administrative guidelines, or other applicable written rules administered by the employer. Existing written policies governing the use of cell phones shall prevail and control.

(b) An employer may charge, against the employee's regular pay, any time that an employee who is a volunteer emergency worker loses from employment because of the employee's response to an emergency in the course of performing his or her duties as a volunteer emergency worker or participation in training that the employee is required to participate in as a volunteer emergency worker. The employer may not require the employee to take vacation time or other compensatory time in order to respond to an emergency or participate in training.

(c) In the case of an employee who is a volunteer emergency worker and who loses time from his or her employment in order to respond to an emergency in the course of performing his or her duties as a volunteer emergency worker or participate in training that the employee is required to participate in as a volunteer emergency worker, the employer has the right to request the employee to provide the employer with a written statement from the supervisor or acting supervisor of the volunteer fire department or governmental entity that the

volunteer emergency worker serves stating that the employee responded to an emergency and stating the time and date of the emergency.

(d) An employee who is a volunteer emergency worker and who may be absent from or late to his or her employment in order to respond to an emergency in the course of performing his or her duties as a volunteer emergency worker or participate in training that the employee is required to participate in as a volunteer emergency worker must make a reasonable effort to notify his or her employer that he or she may be absent or late.

(Source: P.A. 100-324, eff. 1-1-18.)

(50 ILCS 748/10)

Sec. 10. Employer's violation; civil action. An employee who is terminated, penalized, or disciplined in violation of this Act may bring a civil action against his or her employer who violated this Act. The employee may seek reinstatement to his or her former position, payment of back wages, reinstatement of fringe benefits, and, where seniority rights are granted, reinstatement of seniority rights. The employee must commence such an action within one year after the date of the employer's violation.

(Source: P.A. 93-1027, eff. 8-25-04.)

(50 ILCS 748/20)

Public Act 104-0581

HB1353 Enrolled

LRB104 05894 RTM 15925 b

Sec. 20. Applicability. This Act does not apply to any employer that is a municipality with a population of 15,000 ~~7,500~~ or more.

(Source: P.A. 94-599, eff. 1-1-06; 95-59, eff. 1-1-08.)