

1 AN ACT concerning government.

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

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

6 (50 ILCS 748/5)

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

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

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

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

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

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

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

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

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

13 (50 ILCS 748/10)

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

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

24 (50 ILCS 748/20)

1 Sec. 20. Applicability. This Act does not apply to any
2 employer that is a municipality with a population of 15,000
3 ~~7,500~~ or more.

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