



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 02/04/04, by Mike Boland

SYNOPSIS AS INTRODUCED:

New Act

Creates the Volunteer Firefighter Job Protection Act. Provides that no public or private employer may terminate an employee who is a volunteer firefighter because the employee, when acting as a volunteer firefighter, 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. Provides that an employee who is terminated in violation of the Act may bring a civil action against his or her employer for reinstatement to the employee's former position, payment of back wages, reinstatement of fringe benefits, and reinstatement of seniority rights. Limits the concurrent exercise of home rule powers. Effective immediately.

LRB093 15018 MKM 40589 b

HOME RULE NOTE
ACT MAY APPLY

1 AN ACT in relation to employment.

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

4 Section 1. Short title. This Act may be cited as the
5 Volunteer Firefighter Job Protection Act.

6 Section 5. Volunteer firefighter; when termination of
7 employment prohibited.

8 (a) No public or private employer may terminate an employee
9 who is a volunteer firefighter because the employee, when
10 acting as a volunteer firefighter, is absent from or late to
11 his or her employment in order to respond to an emergency prior
12 to the time the employee is to report to his or her place of
13 employment.

14 (b) An employer may charge, against the employee's regular
15 pay, any time that an employee who is a volunteer firefighter
16 loses from employment because of the employee's response to an
17 emergency in the course of performing his or her duties as a
18 volunteer firefighter.

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

28 (d) An employee who is a volunteer firefighter and who may
29 be absent from or late to his or her employment in order to
30 respond to an emergency in the course of performing his or her
31 duties as a volunteer firefighter must make a reasonable effort
32 to notify his or her employer that he or she may be absent or

1 late.

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

11 Section 15. Home rule powers. A home rule unit may not
12 regulate employment in a manner inconsistent with the
13 regulation by the State of employment under this Act. This
14 Section is a limitation under subsection (i) of Section 6 of
15 Article VII of the Illinois Constitution on the concurrent
16 exercise by home rule units of powers and functions exercised
17 by the State.

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