



Rep. Anthony DeLuca

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10400HB1353ham001

LRB104 05894 RTM 36079 a

1 AMENDMENT TO HOUSE BILL 1353

2 AMENDMENT NO. _____. Amend House Bill 1353 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Public Officer Prohibited Activities Act
5 is amended by changing Section 2 as follows:

6 (50 ILCS 105/2) (from Ch. 102, par. 2)

7 Sec. 2. No alderperson of any city, or member of the board
8 of trustees of any village, during the term of office for which
9 he or she is elected, may accept, be appointed to, or hold any
10 office by the appointment of the mayor or president of the
11 board of trustees, unless the alderperson or board member is
12 granted a leave of absence from such office, or unless he or
13 she first resigns from the office of alderperson or member of
14 the board of trustees, or unless the holding of another office
15 is authorized by law. The alderperson or board member may,
16 however, serve as a volunteer fireman or volunteer emergency

1 worker and receive compensation for that service. The
2 alderperson may also serve as a commissioner of the Beardstown
3 Regional Flood Prevention District board. Any appointment in
4 violation of this Section is void. Nothing in this Act shall be
5 construed to prohibit an elected municipal official from
6 holding elected office in another unit of local government as
7 long as there is no contractual relationship between the
8 municipality and the other unit of local government. This
9 amendatory Act of 1995 is declarative of existing law and is
10 not a new enactment.

11 (Source: P.A. 102-15, eff. 6-17-21.)

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

14 (50 ILCS 748/5)

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

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

1 (a-5) A public or private employer shall not discipline an
2 employee who is a volunteer emergency worker if the employee,
3 in the scope of acting as a volunteer emergency worker,
4 responds to an emergency phone call or text message during
5 work hours that requests the person's volunteer emergency
6 services. This subsection (a-5) does not apply to a person
7 employed by a public or private vehicle service provider and
8 who is in the course of performing services as Emergency
9 Medical Services personnel as defined in Section 3.5 of the
10 Emergency Medical Services (EMS) Systems Act. This subsection
11 (a-5) shall not diminish or supersede an employer's written
12 workplace policy, a collective bargaining agreement,
13 administrative guidelines, or other applicable written rules
14 administered by the employer. Existing written policies
15 governing the use of cell phones shall prevail and control.

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

25 (c) In the case of an employee who is a volunteer emergency
26 worker and who loses time from his or her employment in order

1 to respond to an emergency in the course of performing his or
2 her duties as a volunteer emergency worker or participate in
3 training that the employee is required to participate in as a
4 volunteer emergency worker, the employer has the right to
5 request the employee to provide the employer with a written
6 statement from the supervisor or acting supervisor of the
7 volunteer fire department or governmental entity that the
8 volunteer emergency worker serves stating that the employee
9 responded to an emergency and stating the time and date of the
10 emergency.

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

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

20 (50 ILCS 748/10)

21 Sec. 10. Employer's violation; civil action. An employee
22 who is terminated, penalized, or disciplined in violation of
23 this Act may bring a civil action against his or her employer
24 who violated this Act. The employee may seek reinstatement to
25 his or her former position, payment of back wages,

1 reinstatement of fringe benefits, and, where seniority rights
2 are granted, reinstatement of seniority rights. The employee
3 must commence such an action within one year after the date of
4 the employer's violation.

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

6 (50 ILCS 748/20)

7 Sec. 20. Applicability. This Act does not apply to any
8 employer that is a municipality with a population of 15,000
9 ~~7,500~~ or more.

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