



Sen. Christopher Belt

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10300HB3908sam001

LRB103 29765 SPS 73286 a

1 AMENDMENT TO HOUSE BILL 3908

2 AMENDMENT NO. _____. Amend House Bill 3908 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Firefighter Paid Family Leave Act.

6 Section 5. Definitions. As used in this Act:

7 "Family member" means an employee's child, stepchild,
8 spouse, domestic partner, sibling, parent, mother-in-law,
9 father-in-law, grandchild, grandparent, or stepparent.

10 "Firefighter" has the meaning set forth in Section 4-106
11 of the Illinois Pension Code. "Firefighter" includes an
12 individual eligible to participate in a fund established under
13 Article 4 of the Illinois Pension Code, an individual who is
14 not eligible to participate in a fund established under
15 Article 4 who is employed on a full-time basis as a firefighter
16 or paramedic, and a firefighter paramedic who is employed by a

1 municipality or fire protection district to perform duties as
2 a paramedic, emergency medical technician (EMT), emergency
3 medical technician basic (EMT-B), emergency medical
4 technician-intermediate (EMT-I), or advanced emergency medical
5 technician (A-EMT).

6 "Serious health condition" means an illness, impairment,
7 or physical or mental condition that requires inpatient care
8 in a hospital, hospice, or residential medical care facility
9 or continuing medical treatment or continuing supervision by a
10 health care provider.

11 Section 10. Paid family leave.

12 (a) A firefighter shall receive 6 weeks of paid family
13 leave per calendar year that may be used for the following:

14 (1) for the birth of a child and to care for a newborn
15 child;

16 (2) to care for a newly adopted child under 18 years of
17 age, a newly placed foster child under 18 years of age, or
18 a newly adopted or placed foster child older than 18 years
19 of age if the child is incapable of self-care because of a
20 mental or physical disability; and

21 (3) to care for a family member with a serious health
22 condition.

23 (b) An employer shall reasonably accommodate additional
24 physical recovery time for a firefighter returning from leave
25 used for the purpose described in paragraph (1) of subsection

1 (a), including light-duty assignments or an agreed to
2 reassignment of duties until the firefighter is able to return
3 to full duties.

4 (c) The employer shall compensate an employee granted
5 leave under this Act at the employee's regular rate of pay,
6 paid at the same interval the employee was paid while working,
7 for those regular work hours during which the employee is
8 absent from work.

9 Section 15. Limitations. The paid family leave
10 requirements established by this Act shall be provided to a
11 firefighter who has been employed full-time by an employer for
12 at least one year, regardless of the employer's leave
13 policies.

14 Section 20. Waiver. A firefighter may voluntarily waive
15 the paid family leave requirement established by this Act by
16 returning to work before the 6 weeks of leave have elapsed or
17 by declining, in writing, to accept the paid family leave.

18 Section 25. Collective bargaining agreements. Unless
19 otherwise provided in a collective bargaining agreement,
20 nothing in this Act shall be construed to waive or otherwise
21 limit an employee's right to final compensation for any type
22 of leave promised to be paid under a contract of employment.

1 Section 30. Prohibited acts.

2 (a) No employer shall discharge, expel, or otherwise
3 discriminate a person because the person has filed or
4 communicated to the employer an intent to file a claim, a
5 complaint, or an appeal or has testified or is about to testify
6 or has assisted in any proceeding, under this Act, at any time.

7 (b) It is unlawful for any employer to threaten to take or
8 to take any adverse action against an employee because the
9 employee:

10 (1) exercises rights or attempts to exercise rights
11 under this Act;

12 (2) opposes practices which the employee believes to
13 be in violation of this Act; or

14 (3) supports the exercise of rights of another under
15 this Act.

16 (c) It is unlawful for any employer to consider the use of
17 paid leave by an employee as a negative factor in any
18 employment action that involves evaluating, promoting,
19 disciplining, or counting paid leave under a no-fault
20 attendance policy.

21 Section 35. Employment protection; maintenance of
22 benefits.

23 (a) An employee who takes leave under this Act shall be
24 entitled, on return from the leave, to be restored by the
25 employer to the position of employment held by the employee

1 when the leave commenced, or to be restored to an equivalent
2 position with equivalent employment benefits, pay, and other
3 terms and conditions of employment.

4 (b) An employee who takes leave under this Act shall not
5 loss any employment benefit accrued by the employee prior to
6 the date on which the leave commenced.

7 Section 40. Home rule. A home rule unit may not regulate
8 the provision of paid family leave to firefighters in a manner
9 more restrictive than the regulation by the State of the
10 provision of paid family leave to firefighters under this Act.
11 This Section is a limitation under subsection (i) of Section 6
12 of Article VII of the Illinois Constitution on the concurrent
13 exercise by home rule units of powers and functions exercised
14 by the State.

15 Section 99. Effective date. This Act takes effect upon
16 becoming law."