

1 AN ACT concerning employment.

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

4 Section 5. The Minimum Wage Law is amended by changing
5 Section 4a as follows:

6 (820 ILCS 105/4a) (from Ch. 48, par. 1004a)

7 Sec. 4a. (1) Except as otherwise provided in this
8 Section, no employer shall employ any of his employees for a
9 workweek of more than 40 hours unless such employee receives
10 compensation for his employment in excess of the hours above
11 specified at a rate not less than 1 1/2 times the regular
12 rate at which he is employed.

13 (2) The provisions of subsection (1) of this Section are
14 not applicable to:

15 A. Any salesman or mechanic primarily engaged in
16 selling or servicing automobiles, motorcycles,
17 all-terrain vehicles, off-highway vehicles, trucks, or
18 farm implements, if he is employed by a nonmanufacturing
19 establishment primarily engaged in the business of
20 selling such vehicles or implements to ultimate
21 purchasers;

22 B. Any salesman primarily engaged in selling
23 trailers, boats, or aircraft, if he is employed by a
24 nonmanufacturing establishment primarily engaged in the
25 business of selling trailers, boats, or aircraft to
26 ultimate purchasers.

27 C. Any employer of agricultural labor, with respect
28 to such agricultural employment.

29 D. Any governmental body.

30 E. Any employee employed in a bona fide executive,
31 administrative or professional capacity, including any

1 radio or television announcer, news editor, or chief
2 engineer, as defined by or covered by the Federal Fair
3 Labor Standards Act of 1938, as now or hereafter amended.
4 For bona fide executive, administrative, and professional
5 employees of not-for-profit corporations, the Director
6 may, by regulation, adopt a weekly wage rate standard
7 lower than that provided for executive, administrative,
8 and professional employees covered under the Fair Labor
9 Standards Act of 1938, as now or hereafter amended.

10 F. Any commissioned employee as described in
11 paragraph (i) of Section 7 of the Federal Fair Labor
12 Standards Act of 1938 and rules and regulations
13 promulgated thereunder, as now or hereafter amended.

14 G. Any employment of an employee in the stead of
15 another employee of the same employer pursuant to a
16 worktime exchange agreement between employees.

17 H. Any employee of a not-for-profit educational or
18 residential child care institution who (a) on a daily
19 basis is directly involved in educating or caring for
20 children who (1) are orphans, foster children, abused,
21 neglected or abandoned children, or are otherwise
22 homeless children and (2) reside in residential
23 facilities of the institution and (b) is compensated at
24 an annual rate of not less than \$13,000 or, if the
25 employee resides in such facilities and receives without
26 cost board and lodging from such institution, not less
27 than \$10,000.

28 (3) Any employer may employ any employee for a period or
29 periods of not more than 10 hours in the aggregate in any
30 workweek in excess of the maximum hours specified in
31 subsection (1) of this Section without paying the
32 compensation for overtime employment prescribed in subsection
33 (1) if during that period or periods the employee is
34 receiving remedial education that:

1 (a) is provided to employees who lack a high school
2 diploma or educational attainment at the eighth grade
3 level;

4 (b) is designed to provide reading and other basic
5 skills at an eighth grade level or below; and

6 (c) does not include job specific training.

7 (Source: P.A. 88-122; 89-453, eff. 1-1-97.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.