



Rep. Brandon W. Phelps

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09300SB1645ham001

LRB093 02958 DRJ 49042 a

1 AMENDMENT TO SENATE BILL 1645

2 AMENDMENT NO. _____. Amend Senate Bill 1645 by replacing
3 everything after the enacting clause with the following:

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 Section,
8 no employer shall employ any of his employees for a workweek of
9 more than 40 hours unless such employee receives compensation
10 for his employment in excess of the hours above specified at a
11 rate not less than 1 1/2 times the regular rate at which he is
12 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, trucks or farm
17 implements, if he is employed by a nonmanufacturing
18 establishment primarily engaged in the business of selling
19 such vehicles or implements to ultimate purchasers.

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

24 C. Any employer of agricultural labor, with respect to

1 such agricultural employment.

2 D. Any employee of a governmental body excluded from
3 the definition of "employee" under paragraph (e) (2) (C) of
4 Section 3 of the Federal Fair Labor Standards Act of 1938.
5 ~~Any governmental body.~~

6 E. Any employee employed in a bona fide executive,
7 administrative or professional capacity, including any
8 radio or television announcer, news editor, or chief
9 engineer, as defined by or covered by the Federal Fair
10 Labor Standards Act of 1938 and the rules adopted under
11 that Act, as both exist on March 30, 2003, but compensated
12 at the amount of salary specified in subsections (a) and
13 (b) of Section 541.600 of Title 29 of the Code of Federal
14 Regulations as proposed in the Federal Register on March
15 31, 2003 or a greater amount of salary as may be adopted by
16 the United States Department of Labor, as now or hereafter
17 ~~amended~~. For bona fide executive, administrative, and
18 professional employees of not-for-profit corporations, the
19 Director may, by regulation, adopt a weekly wage rate
20 standard lower than that provided for executive,
21 administrative, and professional employees covered under
22 the Fair Labor Standards Act of 1938, as now or hereafter
23 amended.

24 F. Any commissioned employee as described in paragraph
25 (i) of Section 7 of the Federal Fair Labor Standards Act of
26 1938 and rules and regulations promulgated thereunder, as
27 now or hereafter amended.

28 G. Any employment of an employee in the stead of
29 another employee of the same employer pursuant to a
30 worktime exchange agreement between employees.

31 H. Any employee of a not-for-profit educational or
32 residential child care institution who (a) on a daily basis
33 is directly involved in educating or caring for children
34 who (1) are orphans, foster children, abused, neglected or

1 abandoned children, or are otherwise homeless children and
2 (2) reside in residential facilities of the institution and
3 (b) is compensated at an annual rate of not less than
4 \$13,000 or, if the employee resides in such facilities and
5 receives without cost board and lodging from such
6 institution, not less than \$10,000.

7 I. Any employee employed as a crew member of any
8 uninspected towing vessel, as defined by Section 2101(40)
9 of Title 46 of the United States Code, operating in any
10 navigable waters in or along the boundaries of the State of
11 Illinois.

12 (3) Any employer may employ any employee for a period or
13 periods of not more than 10 hours in the aggregate in any
14 workweek in excess of the maximum hours specified in subsection
15 (1) of this Section without paying the compensation for
16 overtime employment prescribed in subsection (1) if during that
17 period or periods the employee is receiving remedial education
18 that:

19 (a) is provided to employees who lack a high school
20 diploma or educational attainment at the eighth grade
21 level;

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

24 (c) does not include job specific training.

25 (4) A governmental body is not in violation of subsection
26 (1) if the governmental body provides compensatory time
27 pursuant to paragraph (o) of Section 7 of the Federal Fair
28 Labor Standards Act of 1938, as now or hereafter amended, or is
29 engaged in fire protection or law enforcement activities and
30 meets the requirements of paragraph (k) of Section 7 or
31 paragraph (b)(20) of Section 13 of the Federal Fair Labor
32 Standards Act of 1938, as now or hereafter amended.

33 (Source: P.A. 92-623, eff. 7-11-02.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".