

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, trucks or farm  
17 implements, if he is employed by a nonmanufacturing  
18 establishment primarily engaged in the business of  
19 selling such vehicles or implements to ultimate  
20 purchasers;

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

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

28 D. Any governmental body.

29 E. Any employee employed in a bona fide executive,  
30 administrative or professional capacity, including any  
31 radio or television announcer, news editor, or chief

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

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

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

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

27 I. Any employee employed as a crew member of any  
28 uninspected towing vessel, as defined by Section 2101(40)  
29 of Title 46 of the United States Code, operating in any  
30 navigable waters in or along the boundaries of the State  
31 of Illinois, except Lake Michigan.

32 (3) Any employer may employ any employee for a period or  
33 periods of not more than 10 hours in the aggregate in any  
34 workweek in excess of the maximum hours specified in

1 subsection (1) of this Section without paying the  
2 compensation for overtime employment prescribed in subsection  
3 (1) if during that period or periods the employee is  
4 receiving remedial education that:

5 (a) is provided to employees who lack a high school  
6 diploma or educational attainment at the eighth grade  
7 level;

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

10 (c) does not include job specific training.

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

12 Section 99. Effective date. This Act takes effect upon  
13 becoming law.