

HB2749



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB2749

by Rep. Will Guzzardi

SYNOPSIS AS INTRODUCED:

820 ILCS 105/4a

from Ch. 48, par. 1004a

Amends the Minimum Wage Law. Provides that the overtime requirements of the Law do not apply to an employee employed in a bona fide executive, administrative, or professional capacity as defined by or covered by the federal Fair Labor Standards Act of 1938 but compensated at a salary greater than \$47,476 per year (rather than an amount specified by a federal regulation) or the weekly or monthly portion thereof or a greater salary as may be adopted by the U.S. Department of Labor. Provides that the amount shall increase annually by the percentage increase in the Consumer Price Index. Effective immediately.

LRB100 08725 JLS 18862 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 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.

1 C. Any employer of agricultural labor, with respect to
2 such agricultural employment.

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

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 an the amount of salary greater than \$47,476 per year or
13 the weekly or monthly portion thereof specified in
14 subsections (a) and (b) of Section 541.600 of Title 29 of
15 the Code of Federal Regulations as proposed in the Federal
16 Register on March 31, 2003 or a greater amount of salary as
17 may be adopted by the United States Department of Labor.
18 The compensation amount set forth in this item (E) shall be
19 increased each year by the percentage increase in the
20 Consumer Price Index for the preceding calendar year. For
21 bona fide executive, administrative, and professional
22 employees of not-for-profit corporations, the Director
23 may, by regulation, adopt a weekly wage rate standard lower
24 than that provided for executive, administrative, and
25 professional employees covered under the Fair Labor
26 Standards Act of 1938, as now or hereafter amended.

1 F. Any commissioned employee as described in paragraph
2 (i) of Section 7 of the Federal Fair Labor Standards Act of
3 1938 and rules and regulations promulgated thereunder, as
4 now or hereafter amended.

5 G. Any employment of an employee in the stead of
6 another employee of the same employer pursuant to a
7 worktime exchange agreement between employees.

8 H. Any employee of a not-for-profit educational or
9 residential child care institution who (a) on a daily basis
10 is directly involved in educating or caring for children
11 who (1) are orphans, foster children, abused, neglected or
12 abandoned children, or are otherwise homeless children and
13 (2) reside in residential facilities of the institution and
14 (b) is compensated at an annual rate of not less than
15 \$13,000 or, if the employee resides in such facilities and
16 receives without cost board and lodging from such
17 institution, not less than \$10,000.

18 I. Any employee employed as a crew member of any
19 uninspected towing vessel, as defined by Section 2101(40)
20 of Title 46 of the United States Code, operating in any
21 navigable waters in or along the boundaries of the State of
22 Illinois.

23 J. Any employee who is a member of a bargaining unit
24 recognized by the Illinois Labor Relations Board and whose
25 union has contractually agreed to an alternate shift
26 schedule as allowed by subsection (b) of Section 7 of the

1 Fair Labor Standards Act of 1938.

2 (3) Any employer may employ any employee for a period or
3 periods of not more than 10 hours in the aggregate in any
4 workweek in excess of the maximum hours specified in subsection
5 (1) of this Section without paying the compensation for
6 overtime employment prescribed in subsection (1) if during that
7 period or periods the employee is receiving remedial education
8 that:

9 (a) is provided to employees who lack a high school
10 diploma or educational attainment at the eighth grade
11 level;

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

14 (c) does not include job specific training.

15 (4) A governmental body is not in violation of subsection
16 (1) if the governmental body provides compensatory time
17 pursuant to paragraph (o) of Section 7 of the Federal Fair
18 Labor Standards Act of 1938, as now or hereafter amended, or is
19 engaged in fire protection or law enforcement activities and
20 meets the requirements of paragraph (k) of Section 7 or
21 paragraph (b) (20) of Section 13 of the Federal Fair Labor
22 Standards Act of 1938, as now or hereafter amended.

23 (Source: P.A. 99-17, eff. 1-1-16.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.