

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 3 as follows:

6 (820 ILCS 105/3) (from Ch. 48, par. 1003)

7 Sec. 3. As used in this Act:

8 (a) "Director" means the Director of the Department of  
9 Labor, and "Department" means the Department of Labor.

10 (b) "Wages" means compensation due to an employee by  
11 reason of his employment, including allowances determined by  
12 the Director in accordance with the provisions of this Act for  
13 gratuities and, when furnished by the employer, for meals and  
14 lodging actually used by the employee.

15 (c) "Employer" includes any individual, partnership,  
16 association, corporation, limited liability company, business  
17 trust, governmental or quasi-governmental body, or any person  
18 or group of persons acting directly or indirectly in the  
19 interest of an employer in relation to an employee, for which  
20 one or more persons are gainfully employed on some day within a  
21 calendar year. An employer is subject to this Act in a calendar  
22 year on and after the first day in such calendar year in which  
23 he employs one or more persons, and for the following calendar

1 year.

2 (d) "Employee" includes any individual permitted to work  
3 by an employer in an occupation, and includes, notwithstanding  
4 subdivision (1) of this subsection (d), one or more domestic  
5 workers as defined in Section 10 of the Domestic Workers' Bill  
6 of Rights Act, but does not include any individual permitted  
7 to work:

8 (1) For an employer employing fewer than 4 employees  
9 exclusive of the employer's parent, spouse or child or  
10 other members of his immediate family.

11 (2) As an employee employed in agriculture or  
12 aquaculture (A) if such employee is employed by an  
13 employer who did not, during any calendar quarter during  
14 the preceding calendar year, use more than 500 man-days of  
15 agricultural or aquacultural labor, (B) if such employee  
16 is the parent, spouse or child, or other member of the  
17 employer's immediate family, (C) if such employee (i) is  
18 employed as a hand harvest laborer and is paid on a piece  
19 rate basis in an operation which has been, and is  
20 customarily and generally recognized as having been, paid  
21 on a piece rate basis in the region of employment, (ii)  
22 commutes daily from his permanent residence to the farm on  
23 which he is so employed, and (iii) has been employed in  
24 agriculture less than 13 weeks during the preceding  
25 calendar year, (D) if such employee (other than an  
26 employee described in clause (C) of this subparagraph):

1 (i) is 16 years of age or under and is employed as a hand  
2 harvest laborer, is paid on a piece rate basis in an  
3 operation which has been, and is customarily and generally  
4 recognized as having been, paid on a piece rate basis in  
5 the region of employment, (ii) is employed on the same  
6 farm as his parent or person standing in the place of his  
7 parent, and (iii) is paid at the same piece rate as  
8 employees over 16 are paid on the same farm.

9 (3) (Blank).

10 (4) As an outside salesman.

11 (5) As a member of a religious corporation or  
12 organization.

13 (6) At an accredited Illinois college or university  
14 employed by the college or university at which he is a  
15 student who is covered under the provisions of the Fair  
16 Labor Standards Act of 1938, as heretofore or hereafter  
17 amended.

18 (7) For a motor carrier and with respect to whom the  
19 U.S. Secretary of Transportation has the power to  
20 establish qualifications and maximum hours of service  
21 under the provisions of Title 49 U.S.C. or the State of  
22 Illinois under Section 18b-105 (Title 92 of the Illinois  
23 Administrative Code, Part 395 - Hours of Service of  
24 Drivers) of the Illinois Vehicle Code.

25 (8) As an employee employed as a player who is 28 years  
26 old or younger, a manager, a coach, or an athletic trainer

1 by a minor league professional baseball team not  
2 affiliated with a major league baseball club, if (A) the  
3 minor league professional baseball team does not operate  
4 for more than 7 months in any calendar year or (B) during  
5 the preceding calendar year, the minor league professional  
6 baseball team's average receipts for any 6-month period of  
7 the year were not more than 33 1/3% of its average receipts  
8 for the other 6 months of the year.

9 (9) As an individual permitted to work as a baseball  
10 player at the minor league level who is (i) under contract  
11 and (ii) compensated pursuant to the terms of a collective  
12 bargaining agreement that expressly provides for wages and  
13 working conditions. This paragraph does not apply to  
14 subsection (b) of Section 4.

15 The above exclusions from the term "employee" may be  
16 further defined by regulations of the Director.

17 (e) "Occupation" means an industry, trade, business or  
18 class of work in which employees are gainfully employed.

19 (f) "Gratuities" means voluntary monetary contributions to  
20 an employee from a guest, patron or customer in connection  
21 with services rendered.

22 (g) "Outside salesman" means an employee regularly engaged  
23 in making sales or obtaining orders or contracts for services  
24 where a major portion of such duties are performed away from  
25 his employer's place of business.

26 (h) "Day camp" means a seasonal recreation program in

1 operation for no more than 16 weeks intermittently throughout  
2 the calendar year, accommodating for profit or under  
3 philanthropic or charitable auspices, 5 or more children under  
4 18 years of age, not including overnight programs. The term  
5 "day camp" does not include a "day care agency", "child care  
6 facility" or "foster family home" as licensed by the Illinois  
7 Department of Children and Family Services.

8 (Source: P.A. 99-758, eff. 1-1-17; 100-192, eff. 8-18-17.)

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