

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.

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

26 D. Any governmental body.

27 E. Any employee employed in a bona fide executive,  
28 administrative or professional capacity, including any  
29 radio or television announcer, news editor, or chief  
30 engineer, as defined by or covered by the Federal Fair  
31 Labor Standards Act of 1938 and the rules adopted under  
32 that Act, as both exist on March 30, 2003, but compensated

1 at the amount of salary specified in subsections (a) and  
2 (b) of Section 541.600 of Title 29 of the Code of Federal  
3 Regulations as proposed in the Federal Register on March  
4 31, 2003 or a greater amount of salary as may be adopted by  
5 the United States Department of Labor ~~as now or hereafter~~  
6 ~~amended~~. For bona fide executive, administrative, and  
7 professional employees of not-for-profit corporations, the  
8 Director may, by regulation, adopt a weekly wage rate  
9 standard lower than that provided for executive,  
10 administrative, and professional employees covered under  
11 the Fair Labor Standards Act of 1938, as now or hereafter  
12 amended.

13 F. Any commissioned employee as described in paragraph  
14 (i) of Section 7 of the Federal Fair Labor Standards Act of  
15 1938 and rules and regulations promulgated thereunder, as  
16 now or hereafter amended.

17 G. Any employment of an employee in the stead of  
18 another employee of the same employer pursuant to a  
19 worktime exchange agreement between employees.

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

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

35 (3) Any employer may employ any employee for a period or  
36 periods of not more than 10 hours in the aggregate in any

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

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

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

11 (c) does not include job specific training.

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

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