

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 do
14 are not apply ~~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.

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. 92-623, eff. 7-11-02.)