

1 AN ACT concerning labor.

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, and any employer of  
28 seamen or employees employed on a vessel which is a  
29 towboat, tugboat, or barge engaged in navigation upon  
30 navigable waters in furtherance of interstate commerce.

31 D. Any governmental body.

1           E. Any employee employed in a bona fide executive,  
2 administrative or professional capacity, including any  
3 radio or television announcer, news editor, or chief  
4 engineer, as defined by or covered by the Federal Fair  
5 Labor Standards Act of 1938, as now or hereafter amended.  
6 For bona fide executive, administrative, and professional  
7 employees of not-for-profit corporations, the Director  
8 may, by regulation, adopt a weekly wage rate standard  
9 lower than that provided for executive, administrative,  
10 and professional employees covered under the Fair Labor  
11 Standards Act of 1938, as now or hereafter amended.

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

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

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

30           (3) Any employer may employ any employee for a period or  
31 periods of not more than 10 hours in the aggregate in any  
32 workweek in excess of the maximum hours specified in  
33 subsection (1) of this Section without paying the  
34 compensation for overtime employment prescribed in subsection

1 (1) if during that period or periods the employee is  
2 receiving remedial education that:

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

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

8 (c) does not include job specific training.

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

10 Section 10. The One Day Rest In Seven Act is amended by  
11 changing Section 2 as follows:

12 (820 ILCS 140/2) (from Ch. 48, par. 8b)

13 Sec. 2.

14 Every employer shall allow every employee except those  
15 specified in this Section at least twenty-four consecutive  
16 hours of rest in every calendar week in addition to the  
17 regular period of rest allowed at the close of each working  
18 day.

19 This Section does not apply to the following:

20 (1) Part-time employees whose total work hours for one  
21 employer during a calendar week do not exceed 20; and

22 (2) Employees needed in case of breakdown of machinery  
23 or equipment or other emergency requiring the immediate  
24 services of experienced and competent labor to prevent injury  
25 to person, damage to property, or suspension of necessary  
26 operation; and

27 (3) Employees employed in agriculture or coal mining;  
28 and

29 (4) Employees engaged in the occupation of canning and  
30 processing perishable agricultural products, if such  
31 employees are employed by an employer in such occupation on a  
32 seasonal basis and for not more than 20 weeks during any

1 calendar year or 12 month period; and

2 (5) Employees employed as watchmen or security guards,  
3 and any seamen or employees employed on a vessel which is a  
4 towboat, tugboat, or barge engaged in navigation upon  
5 navigable waters in furtherance of interstate commerce; and

6 (6) Employees who are employed in a bonafide executive,  
7 administrative, or professional capacity or in the capacity  
8 of an outside salesman, as defined in Section 12 (a) (1) of  
9 the federal Fair Labor Standards Act, as amended, and those  
10 employed as supervisors as defined in Section 2 (11) of the  
11 National Labor Relations Act, as amended.

12 (Source: P.A. 78-1297.)

13 Section 15. The Eight Hour Work Day Act is amended by  
14 changing Section 2 as follows:

15 (820 ILCS 145/2) (from Ch. 48, par. 2)

16 Sec. 2. This act shall not apply to or in any way affect  
17 labor or service by the year, month or week; nor shall any  
18 person be prevented by anything herein contained from working  
19 as many hours over time or extra hours as he or she may  
20 agree, and shall not, in any sense, be held to apply to farm  
21 labor, nor to any seamen or employees employed on a vessel  
22 which is a towboat, tugboat, or barge engaged in navigation  
23 upon navigable waters in furtherance of interstate commerce.

24 (Source: Laws 1867, p. 101.)

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