**Section 2732.225 Exemption from the Definition of Employment for Freelance Editorial or Photographic Work**

a) For the purpose of applying Section 225(B) of the Act, the following terms have the meanings set forth in this subsection (a).

1) "Freelance" means that an individual has a right to make his or her services available to the general public on an ongoing basis as distinguished from being required to perform services exclusively for one individual or entity.

EXAMPLE 1: Newspaper A needs a photographer to provide pictures of a presidential visit to the State Fair. The newspaper contracts with a Springfield photographer who regularly contracts with Newspaper A and other newspapers for specific assignments. This photographer is providing freelance services to this newspaper.

EXAMPLE 2: Newspaper A contacts a former tennis pro turned sports writer to cover the U.S. Open tennis tournament. The assignment is for a three week period. Newspaper A allows the sports writer to take on assignments from other sources provided they do not interfere with his coverage of the Open. This writer is providing freelance services to this newspaper.

2) "Editorial" means work pertaining to the literary or artistic activities or contents of a newspaper as distinguished from the newspaper's business and advertising activities.

EXAMPLE 1: Professor A is a world authority on economic theory C. Newspaper B hires professor A to write a column that explains why the President must adopt economic theory C as part of his reelection strategy. Professor A is performing editorial work for the newspaper.

EXAMPLE 2: Newspaper A wishes to print a story about a local fair. It hires a resident of the local area to write a column about the fair. The writer of this story is performing editorial work for the newspaper.

EXAMPLE 3: Newspaper A is considering raising its advertising rates. Therefore, it hires a consultant to examine all local media advertising rates and recommend a course of action. This consultant is not performing editorial services for the newspaper.

b) The application of Section 225(B) of the Act is limited to services performed for a newspaper. Freelance editorial or photographic services performed for a magazine do not fall within this exception.

(Source: Amended at 43 Ill. Reg. 6449, effective May 14, 2019)