

# HB3631



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB3631

by Rep. Jay Hoffman

#### SYNOPSIS AS INTRODUCED:

820 ILCS 105/3

from Ch. 48, par. 1003

Amends the Minimum Wage Law. Excludes from the definition of "employee" an employee employed as a player who is 28 years old or younger, a manager, a coach, or an athletic trainer by a minor league professional baseball team not affiliated with a major league baseball club, if (A) the minor league professional baseball team does not operate for more than 7 months in any calendar year or (B) during the preceding calendar year, the minor league professional baseball team's average receipts for any 6-month period of the year were not more than 33 1/3% of its average receipts for the other 6 months of the year. Effective immediately.

LRB100 06920 JLS 21853 b

A BILL FOR

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 reason  
11 of his employment, including allowances determined by the  
12 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 by  
3 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 to  
7 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 employer  
13 who did not, during any calendar quarter during the  
14 preceding calendar year, use more than 500 man-days of  
15 agricultural or aquacultural labor, (B) if such employee is  
16 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 employee  
26 described in clause (C) of this subparagraph): (i) is 16

1 years of age or under and is employed as a hand harvest  
2 laborer, is paid on a piece rate basis in an operation  
3 which has been, and is customarily and generally recognized  
4 as having been, paid on a piece rate basis in the region of  
5 employment, (ii) is employed on the same farm as his parent  
6 or person standing in the place of his parent, and (iii) is  
7 paid at the same piece rate as employees over 16 are paid  
8 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 establish  
20 qualifications and maximum hours of service under the  
21 provisions of Title 49 U.S.C. or the State of Illinois  
22 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 affiliated  
2       with a major league baseball club, if (A) the minor league  
3       professional baseball team does not operate for more than 7  
4       months in any calendar year or (B) during the preceding  
5       calendar year, the minor league professional baseball  
6       team's average receipts for any 6-month period of the year  
7       were not more than 33 1/3% of its average receipts for the  
8       other 6 months of the year.

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

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

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

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

20      (h) "Day camp" means a seasonal recreation program in  
21      operation for no more than 16 weeks intermittently throughout  
22      the calendar year, accommodating for profit or under  
23      philanthropic or charitable auspices, 5 or more children under  
24      18 years of age, not including overnight programs. The term  
25      "day camp" does not include a "day care agency", "child care  
26      facility" or "foster family home" as licensed by the Illinois

1 Department of Children and Family Services.

2 (Source: P.A. 99-758, eff. 1-1-17.)

3 Section 99. Effective date. This Act takes effect upon  
4 becoming law.