

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.