



Sen. Emil Jones, III

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LRB100 04879 JLS 24945 a

1 AMENDMENT TO SENATE BILL 398

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 398 by replacing  
3 everything after the enacting clause with the following:

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 Section,  
8 no employer shall employ any of his employees for a workweek of  
9 more than 40 hours unless such employee receives compensation  
10 for his employment in excess of the hours above specified at a  
11 rate not less than 1 1/2 times the regular rate at which he is  
12 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

1 implements, if he is employed by a nonmanufacturing  
2 establishment primarily engaged in the business of selling  
3 such vehicles or implements to ultimate purchasers.

4 B. Any salesman primarily engaged in selling trailers,  
5 boats, or aircraft, if he is employed by a nonmanufacturing  
6 establishment primarily engaged in the business of selling  
7 trailers, boats, or aircraft to ultimate purchasers.

8 C. Any employer of agricultural labor, with respect to  
9 such agricultural employment.

10 D. Except as provided in subsection (5), any ~~Any~~  
11 employee of a governmental body excluded from the  
12 definition of "employee" under paragraph (e)(2)(C) of  
13 Section 3 of the Federal Fair Labor Standards Act of 1938.

14 E. Any employee employed in a bona fide executive,  
15 administrative or professional capacity, including any  
16 radio or television announcer, news editor, or chief  
17 engineer, as defined by or covered by the Federal Fair  
18 Labor Standards Act of 1938 and the rules adopted under  
19 that Act, as both exist on March 30, 2003, but compensated  
20 at the amount of salary specified in subsections (a) and  
21 (b) of Section 541.600 of Title 29 of the Code of Federal  
22 Regulations as proposed in the Federal Register on March  
23 31, 2003 or a greater amount of salary as may be adopted by  
24 the United States Department of Labor. For bona fide  
25 executive, administrative, and professional employees of  
26 not-for-profit corporations, the Director may, by

1 regulation, adopt a weekly wage rate standard lower than  
2 that provided for executive, administrative, and  
3 professional employees covered under the Fair Labor  
4 Standards Act of 1938, as now or hereafter amended.

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

9 G. Any employment of an employee in the stead of  
10 another employee of the same employer pursuant to a  
11 worktime exchange agreement between employees.

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

22 I. Any employee employed as a crew member of any  
23 uninspected towing vessel, as defined by Section 2101(40)  
24 of Title 46 of the United States Code, operating in any  
25 navigable waters in or along the boundaries of the State of  
26 Illinois.

1           J. Any employee who is a member of a bargaining unit  
2           recognized by the Illinois Labor Relations Board and whose  
3           union has contractually agreed to an alternate shift  
4           schedule as allowed by subsection (b) of Section 7 of the  
5           Fair Labor Standards Act of 1938.

6           (3) Any employer may employ any employee for a period or  
7           periods of not more than 10 hours in the aggregate in any  
8           workweek in excess of the maximum hours specified in subsection  
9           (1) of this Section without paying the compensation for  
10          overtime employment prescribed in subsection (1) if during that  
11          period or periods the employee is receiving remedial education  
12          that:

13           (a) is provided to employees who lack a high school  
14          diploma or educational attainment at the eighth grade  
15          level;

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

18           (c) does not include job specific training.

19          (4) A governmental body is not in violation of subsection  
20          (1) if the governmental body provides compensatory time  
21          pursuant to paragraph (o) of Section 7 of the Federal Fair  
22          Labor Standards Act of 1938, as now or hereafter amended, or is  
23          engaged in fire protection or law enforcement activities and  
24          meets the requirements of paragraph (k) of Section 7 or  
25          paragraph (b)(20) of Section 13 of the Federal Fair Labor  
26          Standards Act of 1938, as now or hereafter amended.

1       (5) Pursuant to an agreement with employees or their  
2 representatives, State and local government agencies may  
3 arrange for employees to earn compensatory time instead of cash  
4 payment for overtime hours. Any compensatory time arrangement  
5 must be established pursuant to the applicable provisions of a  
6 collective bargaining agreement, memorandum of understanding,  
7 agreement between the employer and representatives of  
8 overtime-protected employees, or an agreement or understanding  
9 arrived at between the employer and employee before the  
10 performance of the work.

11       The agreement may be evidenced by a notice to the employee  
12 that compensatory time off will be given in lieu of overtime  
13 pay. The compensatory time must be provided at a rate of 1.5  
14 hours for each overtime hour worked. Any compensatory time for  
15 which cash payment is made shall be paid at the regular rate of  
16 pay.

17       Law enforcement, fire protection, and emergency response  
18 personnel, and employees engaged in seasonal activities may  
19 accrue a maximum of 480 hours of compensatory time annually.  
20 Other employees may accrue a maximum of 240 hours of  
21 compensatory time annually.

22       An employee must be permitted to use his or her  
23 compensatory time when requested unless doing so would unduly  
24 disrupt the operations of the agency.

25       (Source: P.A. 99-17, eff. 1-1-16.)

1           Section 99. Effective date. This Act takes effect upon  
2    becoming law.".