



Sen. Emil Jones, III

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LRB100 04879 JLS 37898 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 (4), 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 (Source: P.A. 99-17, eff. 1-1-16.)

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