

# HB1222



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB1222

Introduced 2/17/2021, by Rep. Emanuel Chris Welch

#### SYNOPSIS AS INTRODUCED:

820 ILCS 105/4a

from Ch. 48, par. 1004a

Amends the Minimum Wage Law. Makes a technical change in a Section concerning overtime.

LRB102 03237 KTG 13250 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 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 ~~the~~ hours above specified  
11 at a rate not less than 1 1/2 times the regular rate at which  
12 he is 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  
17 implements, if he is employed by a nonmanufacturing  
18 establishment primarily engaged in the business of selling  
19 such vehicles or implements to ultimate purchasers.

20 B. Any salesman primarily engaged in selling trailers,  
21 boats, or aircraft, if he is employed by a  
22 nonmanufacturing establishment primarily engaged in the  
23 business of selling trailers, boats, or aircraft to

1 ultimate purchasers.

2 C. Any employer of agricultural labor, with respect to  
3 such agricultural employment.

4 D. Any employee of a governmental body excluded from  
5 the definition of "employee" under paragraph (e)(2)(C) of  
6 Section 3 of the Federal Fair Labor Standards Act of 1938.

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

24 F. Any commissioned employee as described in paragraph  
25 (i) of Section 7 of the Federal Fair Labor Standards Act of  
26 1938 and rules and regulations promulgated thereunder, as

1 now or hereafter amended.

2 G. Any employment of an employee in the stead of  
3 another employee of the same employer pursuant to a  
4 worktime exchange agreement between employees.

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

15 I. Any employee employed as a crew member of any  
16 uninspected towing vessel, as defined by Section 2101(40)  
17 of Title 46 of the United States Code, operating in any  
18 navigable waters in or along the boundaries of the State  
19 of Illinois.

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

25 (3) Any employer may employ any employee for a period or  
26 periods of not more than 10 hours in the aggregate in any

1 workweek in excess of the maximum hours specified in  
2 subsection (1) of this Section without paying the compensation  
3 for overtime employment prescribed in subsection (1) if during  
4 that period or periods the employee is receiving remedial  
5 education that:

6 (a) is provided to employees who lack a high school  
7 diploma or educational attainment at the eighth grade  
8 level;

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

11 (c) does not include job specific training.

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

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