



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 02/06/04, by Michael J. Madigan

SYNOPSIS AS INTRODUCED:

820 ILCS 105/4a

from Ch. 48, par. 1004a

Amends the Minimum Wage Law. Makes a stylistic change in provisions concerning overtime.

LRB093 17191 WGH 42857 b

1 AN ACT concerning wages.

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 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 ~~do are~~
14 not ~~apply 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 nonmanufacturing
22 establishment primarily engaged in the business of selling
23 trailers, boats, or aircraft to ultimate purchasers.

24 C. Any employer of agricultural labor, with respect to
25 such agricultural employment.

26 D. Any governmental body.

27 E. Any employee employed in a bona fide executive,
28 administrative or professional capacity, including any
29 radio or television announcer, news editor, or chief
30 engineer, as defined by or covered by the Federal Fair
31 Labor Standards Act of 1938, as now or hereafter amended.
32 For bona fide executive, administrative, and professional

1 employees of not-for-profit corporations, the Director
2 may, by regulation, adopt a weekly wage rate standard lower
3 than that provided for executive, administrative, and
4 professional employees covered under the Fair Labor
5 Standards Act of 1938, as now or hereafter amended.

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

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

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

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

28 (3) Any employer may employ any employee for a period or
29 periods of not more than 10 hours in the aggregate in any
30 workweek in excess of the maximum hours specified in subsection
31 (1) of this Section without paying the compensation for
32 overtime employment prescribed in subsection (1) if during that
33 period or periods the employee is receiving remedial education
34 that:

35 (a) is provided to employees who lack a high school
36 diploma or educational attainment at the eighth grade

1 level;

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

4 (c) does not include job specific training.

5 (Source: P.A. 92-623, eff. 7-11-02.)