



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB2139

Introduced 2/14/2005, by Rep. Michael J. Madigan - Barbara Flynn Currie - Larry McKeon

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.

LRB094 03074 WGH 33075 b

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 he
12 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 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 employee of a governmental body excluded from
27 the definition of "employee" under paragraph (e)(2)(C) of
28 Section 3 of the Federal Fair Labor Standards Act of 1938.

29 E. Any employee employed in a bona fide executive,
30 administrative or professional capacity, including any
31 radio or television announcer, news editor, or chief
32 engineer, as defined by or covered by the Federal Fair

1 Labor Standards Act of 1938 and the rules adopted under
2 that Act, as both exist on March 30, 2003, but compensated
3 at the amount of salary specified in subsections (a) and
4 (b) of Section 541.600 of Title 29 of the Code of Federal
5 Regulations as proposed in the Federal Register on March
6 31, 2003 or a greater amount of salary as may be adopted by
7 the United States Department of Labor. For bona fide
8 executive, administrative, and professional employees of
9 not-for-profit corporations, the Director may, by
10 regulation, adopt a weekly wage rate standard lower than
11 that provided for executive, administrative, and
12 professional employees covered under the Fair Labor
13 Standards Act of 1938, as now or hereafter amended.

14 F. Any commissioned employee as described in paragraph
15 (i) of Section 7 of the Federal Fair Labor Standards Act of
16 1938 and rules and regulations promulgated thereunder, as
17 now or hereafter amended.

18 G. Any employment of an employee in the stead of
19 another employee of the same employer pursuant to a
20 worktime exchange agreement between employees.

21 H. Any employee of a not-for-profit educational or
22 residential child care institution who (a) on a daily basis
23 is directly involved in educating or caring for children
24 who (1) are orphans, foster children, abused, neglected or
25 abandoned children, or are otherwise homeless children and
26 (2) reside in residential facilities of the institution and
27 (b) is compensated at an annual rate of not less than
28 \$13,000 or, if the employee resides in such facilities and
29 receives without cost board and lodging from such
30 institution, not less than \$10,000.

31 I. Any employee employed as a crew member of any
32 uninspected towing vessel, as defined by Section 2101(40)
33 of Title 46 of the United States Code, operating in any
34 navigable waters in or along the boundaries of the State of
35 Illinois.

36 (3) Any employer may employ any employee for a period or

1 periods of not more than 10 hours in the aggregate in any
2 workweek in excess of the maximum hours specified in subsection
3 (1) of this Section without paying the compensation for
4 overtime employment prescribed in subsection (1) if during that
5 period or periods the employee is receiving remedial education
6 that:

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

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

12 (c) does not include job specific training.

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

21 (Source: P.A. 92-623, eff. 7-11-02; 93-672, eff. 4-2-04.)