



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**SB2450**

Introduced 1/18/2006, by Sen. John J. Millner

**SYNOPSIS AS INTRODUCED:**

820 ILCS 105/4a

from Ch. 48, par. 1004a

Amends the Minimum Wage Law. Exempts seasonal park district employees from the overtime pay requirements of the Minimum Wage Law if those employees are exempted, under provisions of the Federal Fair Labor Standards Act of 1938 relating to specified seasonal employees, from federal overtime pay requirements. Effective immediately.

LRB094 16992 WGH 54189 b

FISCAL NOTE ACT  
MAY APPLY

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 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  
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 J. Any seasonal park district employee who is exempted

1 by Section 13(a)(3) of the Federal Fair Labor Standards Act  
2 of 1938 from the provisions of Section 7 of the Federal  
3 Fair Labor Standards Act of 1938.

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

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

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

16 (c) does not include job specific training.

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

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

26 Section 99. Effective date. This Act takes effect upon  
27 becoming law.