

**SB2759**



**96TH GENERAL ASSEMBLY**

**State of Illinois**

**2009 and 2010**

**SB2759**

Introduced 1/28/2010, by Sen. John J. Cullerton

**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.

LRB096 17283 WGH 32633 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 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.

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

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

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

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

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

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

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

19           (3) Any employer may employ any employee for a period or  
20 periods of not more than 10 hours in the aggregate in any  
21 workweek in excess of the maximum hours specified in subsection  
22 (1) of this Section without paying the compensation for  
23 overtime employment prescribed in subsection (1) if during that  
24 period or periods the employee is receiving remedial education  
25 that:

26           (a) is provided to employees who lack a high school

1 diploma or educational attainment at the eighth grade  
2 level;

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

5 (c) does not include job specific training.

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

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