

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  
8 Section, no employer shall employ any of his employees for a  
9 workweek of more than 40 hours unless such employee receives  
10 compensation for his employment in excess of the hours above  
11 specified at a rate not less than 1 1/2 times the regular  
12 rate at which 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  
19 selling such vehicles or implements to ultimate  
20 purchasers.

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

26 C. Any employer of agricultural labor, with respect  
27 to such agricultural employment.

28 D. Any governmental body.

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

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

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

13 G. Any employment of an employee in the stead of  
 14 another employee of the same employer pursuant to a  
 15 worktime exchange agreement between employees.

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

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

32 (3) Any employer may employ any employee for a period or  
 33 periods of not more than 10 hours in the aggregate in any  
 34 workweek in excess of the maximum hours specified in

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

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

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

10 (c) does not include job specific training.

11 (Source: P.A. 88-122; 89-453, eff. 1-1-97.)

12 Section 10. The One Day Rest In Seven Act is amended by  
13 changing Section 2 as follows:

14 (820 ILCS 140/2) (from Ch. 48, par. 8b)

15 Sec. 2. Every employer shall allow every employee  
16 except those specified in this Section at least twenty-four  
17 consecutive hours of rest in every calendar week in addition  
18 to the regular period of rest allowed at the close of each  
19 working day.

20 This Section does not apply to the following:

21 (1) Part-time employees whose total work hours for one  
22 employer during a calendar week do not exceed 20; and

23 (2) Employees needed in case of breakdown of machinery  
24 or equipment or other emergency requiring the immediate  
25 services of experienced and competent labor to prevent injury  
26 to person, damage to property, or suspension of necessary  
27 operation; and

28 (3) Employees employed in agriculture or coal mining;  
29 and

30 (4) Employees engaged in the occupation of canning and  
31 processing perishable agricultural products, if such  
32 employees are employed by an employer in such occupation on a

1 seasonal basis and for not more than 20 weeks during any  
2 calendar year or 12 month period; and

3 (5) Employees employed as watchmen or security guards;  
4 and

5 (6) Employees who are employed in a bonafide executive,  
6 administrative, or professional capacity or in the capacity  
7 of an outside salesman, as defined in Section 12 (a) (1) of  
8 the federal Fair Labor Standards Act, as amended, and those  
9 employed as supervisors as defined in Section 2 (11) of the  
10 National Labor Relations Act, as amended; and

11 (7) Employees who are employed as crew members of any  
12 uninspected towing vessel, as defined by Section 2101(40) of  
13 Title 46 of the United States Code, operating in any  
14 navigable waters in or along the boundaries of the State of  
15 Illinois.

16 (Source: P.A. 78-1297.)

17 Section 99. Effective date. This Act takes effect upon  
18 becoming law.