

1 AN ACT concerning labor.

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, and any employer of
28 seamen or employees employed on a vessel which is a
29 towboat, tugboat, or barge engaged in navigation upon
30 navigable waters in furtherance of interstate commerce.

31 D. Any governmental body.

1 E. Any employee employed in a bona fide executive,
2 administrative or professional capacity, including any
3 radio or television announcer, news editor, or chief
4 engineer, as defined by or covered by the Federal Fair
5 Labor Standards Act of 1938, as now or hereafter amended.
6 For bona fide executive, administrative, and professional
7 employees of not-for-profit corporations, the Director
8 may, by regulation, adopt a weekly wage rate standard
9 lower than that provided for executive, administrative,
10 and professional employees covered under the Fair Labor
11 Standards Act of 1938, as now or hereafter amended.

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

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

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

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

1 (1) if during that period or periods the employee is
2 receiving remedial education that:

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

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

8 (c) does not include job specific training.

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

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

12 (820 ILCS 140/2) (from Ch. 48, par. 8b)

13 Sec. 2.

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

19 This Section does not apply to the following:

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

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

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

29 (4) Employees engaged in the occupation of canning and
30 processing perishable agricultural products, if such
31 employees are employed by an employer in such occupation on a
32 seasonal basis and for not more than 20 weeks during any

1 calendar year or 12 month period; and

2 (5) Employees employed as watchmen or security guards,
3 and any seamen or employees employed on a vessel which is a
4 towboat, tugboat, or barge engaged in navigation upon
5 navigable waters in furtherance of interstate commerce; and

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

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

13 Section 15. The Eight Hour Work Day Act is amended by
14 changing Section 2 as follows:

15 (820 ILCS 145/2) (from Ch. 48, par. 2)

16 Sec. 2. This act shall not apply to or in any way affect
17 labor or service by the year, month or week; nor shall any
18 person be prevented by anything herein contained from working
19 as many hours over time or extra hours as he or she may
20 agree, and shall not, in any sense, be held to apply to farm
21 labor, nor to any seamen or employees employed on a vessel
22 which is a towboat, tugboat, or barge engaged in navigation
23 upon navigable waters in furtherance of interstate commerce.

24 (Source: Laws 1867, p. 101.)

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