

1                                    AMENDMENT TO SENATE BILL 1812

2            AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1812 by replacing  
3 everything after the enacting clause with the following:

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

1 nonmanufacturing establishment primarily engaged in the  
2 business of selling trailers, boats, or aircraft to  
3 ultimate purchasers.

4 C. Any employer of agricultural labor, with respect  
5 to such agricultural employment.

6 D. Any governmental body.

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

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

22 G. Any employment of an employee in the stead of  
23 another employee of the same employer pursuant to a  
24 worktime exchange agreement between employees.

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

1 than \$10,000.

2 I. Any employee employed as a crew member of any  
3 uninspected towing vessel, as defined by Section 2101(40)  
4 of Title 46 of the United States Code, operating in any  
5 navigable waters in or along the boundaries of the State  
6 of Illinois.

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

14 (a) is provided to employees who lack a high school  
15 diploma or educational attainment at the eighth grade  
16 level;

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

19 (c) does not include job specific training.

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

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

23 (820 ILCS 140/2) (from Ch. 48, par. 8b)

24 Sec. 2. Every employer shall allow every employee  
25 except those specified in this Section at least twenty-four  
26 consecutive hours of rest in every calendar week in addition  
27 to the regular period of rest allowed at the close of each  
28 working day.

29 This Section does not apply to the following:

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

32 (2) Employees needed in case of breakdown of machinery

1 or equipment or other emergency requiring the immediate  
2 services of experienced and competent labor to prevent injury  
3 to person, damage to property, or suspension of necessary  
4 operation; and

5 (3) Employees employed in agriculture or coal mining;  
6 and

7 (4) Employees engaged in the occupation of canning and  
8 processing perishable agricultural products, if such  
9 employees are employed by an employer in such occupation on a  
10 seasonal basis and for not more than 20 weeks during any  
11 calendar year or 12 month period; and

12 (5) Employees employed as watchmen or security guards;  
13 and

14 (6) Employees who are employed in a bonafide executive,  
15 administrative, or professional capacity or in the capacity  
16 of an outside salesman, as defined in Section 12 (a) (1) of  
17 the federal Fair Labor Standards Act, as amended, and those  
18 employed as supervisors as defined in Section 2 (11) of the  
19 National Labor Relations Act, as amended; and

20 (7) Employees who are employed as crew members of any  
21 uninspected towing vessel, as defined by Section 2101(40) of  
22 Title 46 of the United States Code, operating in any  
23 navigable waters in or along the boundaries of the State of  
24 Illinois.

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

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