

(e) "Employee" includes any individual employed by an employer but shall not include:

- ~~[(1) Any individual employed in agriculture;]~~
- ~~[(2) Any individual employed in domestic service in or about a private home;]~~
- ~~[(3)] (1) Any individual employed in a bona fide executive, administrative, or professional capacity (as such terms are defined and delimited by regulation of the Commissioner);~~
- ~~[(4)] (2) Any individual engaged in the activities of an educational, charitable, religious, or nonprofit organization where the employer-employee relationship does not in fact exist and where the services are rendered to such organizations gratuitously, and with no expectation of gain;~~
- ~~[(5) Any individual employed in any of the following businesses and establishments: restaurants, cafes, taverns, drive-ins, drugstores, which sell food and drink for consumption on the premises, and other similar establishments which sell food and drink for consumption on the premises.]~~
- ~~[(6) Any individual employed by hospitals, nursing and convalescent homes, except any individual employed in laundry service in said hospitals or homes, or in hotels, motels and ambulance services.]~~
- ~~[(7) Any individual employed in motion picture theatres, including drive-in theatres, and legitimate theatres.]~~
- ~~[(8)] (3) Any individual who is a student regularly enrolled in primary and secondary schools who is employed after school hours or during vacation.~~
- ~~[(9)] (4) Any individual employed as an outside salesman or any individual compensated on a commission basis.~~
- ~~[(10) Any individual who has attained the age of 62 years and who works not more than 25 hours per week.]~~
- ~~[(11) Any individual employed by an employer engaged in the first processing of, or in canning, packing or freezing perishable or seasonal fresh fruits, vegetables or horticultural commodities, poultry or seafood.]~~
- ~~[(12) Any individual employed in any hotel, motel, parking lot, car wash, or by any taxicab company.]~~

- (1) ANY INDIVIDUAL EMPLOYED IN AGRICULTURE;
- (2) ANY INDIVIDUAL EMPLOYED IN DOMESTIC SERVICE IN OR ABOUT A PRIVATE HOME;
- (3) ANY INDIVIDUAL EMPLOYED IN A BONA FIDE EXECUTIVE, ADMINISTRATIVE, OR PROFESSIONAL CAPACITY (AS SUCH TERMS ARE DEFINED AND DELIMITED BY REGULATION OF THE COMMISSIONER);
- (4) ANY INDIVIDUAL ENGAGED IN THE ACTIVITIES OF AN EDUCATIONAL, CHARITABLE, RELIGIOUS, OR NONPROFIT ORGANIZATION WHERE THE EMPLOYER-