

SB1738



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB1738

Introduced 2/9/2017, by Sen. Kimberly A. Lightford

SYNOPSIS AS INTRODUCED:

820 ILCS 105/4

from Ch. 48, par. 1004

Amends the Minimum Wage Law. Increases the minimum wage from \$8.25 to \$9.50 beginning July 1, 2017 and increases it by \$1.25 each July 1 of 2018 and 2019 and increases it by \$1.50 each July 1 of 2020 and 2021, at which point the minimum wage will be \$15.00. Provides that beginning July 1, 2022, the minimum wage shall be increased by 2.5% or the increase in the Consumer Price Index for all Urban Consumers, whichever is lower. Deletes the allowance for gratuities. Effective immediately.

LRB100 10843 JLS 21077 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 4 as follows:

6 (820 ILCS 105/4) (from Ch. 48, par. 1004)

7 Sec. 4. (a) (1) Every employer shall pay to each of his
8 employees in every occupation wages of not less than \$2.30 per
9 hour or in the case of employees under 18 years of age wages of
10 not less than \$1.95 per hour, except as provided in Sections 5
11 and 6 of this Act, and on and after January 1, 1984, every
12 employer shall pay to each of his employees in every occupation
13 wages of not less than \$2.65 per hour or in the case of
14 employees under 18 years of age wages of not less than \$2.25
15 per hour, and on and after October 1, 1984 every employer shall
16 pay to each of his employees in every occupation wages of not
17 less than \$3.00 per hour or in the case of employees under 18
18 years of age wages of not less than \$2.55 per hour, and on or
19 after July 1, 1985 every employer shall pay to each of his
20 employees in every occupation wages of not less than \$3.35 per
21 hour or in the case of employees under 18 years of age wages of
22 not less than \$2.85 per hour, and from January 1, 2004 through
23 December 31, 2004 every employer shall pay to each of his or

1 her employees who is 18 years of age or older in every
2 occupation wages of not less than \$5.50 per hour, and from
3 January 1, 2005 through June 30, 2007 every employer shall pay
4 to each of his or her employees who is 18 years of age or older
5 in every occupation wages of not less than \$6.50 per hour, and
6 from July 1, 2007 through June 30, 2008 every employer shall
7 pay to each of his or her employees who is 18 years of age or
8 older in every occupation wages of not less than \$7.50 per
9 hour, and from July 1, 2008 through June 30, 2009 every
10 employer shall pay to each of his or her employees who is 18
11 years of age or older in every occupation wages of not less
12 than \$7.75 per hour, and from July 1, 2009 through June 30,
13 2010 every employer shall pay to each of his or her employees
14 who is 18 years of age or older in every occupation wages of
15 not less than \$8.00 per hour, and from ~~on and after~~ July 1,
16 2010 through June 30, 2017 every employer shall pay to each of
17 his or her employees who is 18 years of age or older in every
18 occupation wages of not less than \$8.25 per hour, and from July
19 1, 2017 through June 30, 2018 every employer shall pay to each
20 of his or her employees who is 18 years of age or older in every
21 occupation wages of not less than \$9.50 per hour, and from July
22 1, 2018 through June 30, 2019 every employer shall pay to each
23 of his or her employees who is 18 years of age or older in every
24 occupation wages of not less than \$10.75 per hour, and from
25 July 1, 2019 through June 30, 2020 every employer shall pay to
26 each of his or her employees who is 18 years of age or older in

1 every occupation wages of not less than \$12.00 per hour, and
2 from July 1, 2020 through June 30, 2021 every employer shall
3 pay to each of his or her employees who is 18 years of age or
4 older in every occupation wages of not less than \$13.50 per
5 hour, and from July 1, 2021 and through June 30, 2022 every
6 employer shall pay to each of his or her employees who is 18
7 years of age or older in every occupation wages of not less
8 than \$15.00 per hour.

9 Beginning on July 1, 2022 and on every July 1 thereafter,
10 every employer shall pay to each of his or her employees who is
11 18 years of age or older in every occupation wages no less than
12 the amount of the previous year's minimum wage, plus an amount
13 equal to the increase, if any, in the Consumer Price Index for
14 All Urban Consumers most recently published by the Bureau of
15 Labor Statistics of the United States Department of Labor, or
16 2.5%, whichever is lower. The increase shall be rounded up to
17 the nearest multiple of \$.05.

18 (2) Unless an employee's wages are reduced under Section 6,
19 then in lieu of the rate prescribed in item (1) of this
20 subsection (a), an employer may pay an employee who is 18 years
21 of age or older, during the first 90 consecutive calendar days
22 after the employee is initially employed by the employer, a
23 wage that is not more than 50¢ less than the wage prescribed in
24 item (1) of this subsection (a); however, an employer shall pay
25 not less than the rate prescribed in item (1) of this
26 subsection (a) to:

1 (A) a day or temporary laborer, as defined in Section 5
2 of the Day and Temporary Labor Services Act, who is 18
3 years of age or older; and

4 (B) an employee who is 18 years of age or older and
5 whose employment is occasional or irregular and requires
6 not more than 90 days to complete.

7 (3) At no time shall the wages paid to any employee under
8 18 years of age be more than 50¢ less than the wage required to
9 be paid to employees who are at least 18 years of age under
10 item (1) of this subsection (a).

11 (b) No employer shall discriminate between employees on the
12 basis of sex or mental or physical disability, except as
13 otherwise provided in this Act by paying wages to employees at
14 a rate less than the rate at which he pays wages to employees
15 for the same or substantially similar work on jobs the
16 performance of which requires equal skill, effort, and
17 responsibility, and which are performed under similar working
18 conditions, except where such payment is made pursuant to (1) a
19 seniority system; (2) a merit system; (3) a system which
20 measures earnings by quantity or quality of production; or (4)
21 a differential based on any other factor other than sex or
22 mental or physical disability, except as otherwise provided in
23 this Act.

24 (c) (Blank). ~~Every employer of an employee engaged in an~~
25 ~~occupation in which gratuities have customarily and usually~~
26 ~~constituted and have been recognized as part of the~~

1 ~~remuneration for hire purposes is entitled to an allowance for~~
2 ~~gratuities as part of the hourly wage rate provided in Section~~
3 ~~4, subsection (a) in an amount not to exceed 40% of the~~
4 ~~applicable minimum wage rate. The Director shall require each~~
5 ~~employer desiring an allowance for gratuities to provide~~
6 ~~substantial evidence that the amount claimed, which may not~~
7 ~~exceed 40% of the applicable minimum wage rate, was received by~~
8 ~~the employee in the period for which the claim of exemption is~~
9 ~~made, and no part thereof was returned to the employer.~~

10 (d) No camp counselor who resides on the premises of a
11 seasonal camp of an organized not-for-profit corporation shall
12 be subject to the adult minimum wage if the camp counselor (1)
13 works 40 or more hours per week, and (2) receives a total
14 weekly salary of not less than the adult minimum wage for a
15 40-hour week. If the counselor works less than 40 hours per
16 week, the counselor shall be paid the minimum hourly wage for
17 each hour worked. Every employer of a camp counselor under this
18 subsection is entitled to an allowance for meals and lodging as
19 part of the hourly wage rate provided in Section 4, subsection
20 (a), in an amount not to exceed 25% of the minimum wage rate.

21 (e) A camp counselor employed at a day camp is not subject
22 to the adult minimum wage if the camp counselor is paid a
23 stipend on a onetime or periodic basis and, if the camp
24 counselor is a minor, the minor's parent, guardian or other
25 custodian has consented in writing to the terms of payment
26 before the commencement of such employment.

1 (Source: P.A. 99-143, eff. 7-27-15.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.