



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
HB3976

Introduced 12/23/2003, by Bill Mitchell

SYNOPSIS AS INTRODUCED:

820 ILCS 105/4

from Ch. 48, par. 1004

Amends the Minimum Wage Law. Provides that every employer shall pay to each employee in every occupation wages that are not less than the federal minimum hourly wage prescribed by specified federal minimum wage provisions (and eliminates the minimum wage increases that were made by Public Act 93-581). Effective July 1, 2004.

LRB093 14247 WGH 40170 b

FISCAL NOTE ACT
MAY APPLY

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) 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 June 30 ~~December 31~~, 2004 every employer shall pay to each of
24 his or her employees who is 18 years of age or older in every
25 occupation wages of not less than \$5.50 per hour, and on and
26 after July ~~January~~ 1, 2004 ~~2005~~ every employer shall pay to
27 each of his or her employees in every occupation wages that are
28 not less than the federal minimum hourly wage prescribed by
29 Section 206(a)(1) of Title 29 of the United States Code. ~~who is~~
30 ~~18 years of age or older in every occupation wages of not less~~
31 ~~than \$6.50 per hour.~~

32 At no time shall the wages paid to any employee under 18

1 years of age be more than 50¢ less than the wage required to be
2 paid to employees who are at least 18 years of age.

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

16 (c) Every employer of an employee engaged in an occupation
17 in which gratuities have customarily and usually constituted
18 and have been recognized as part of the remuneration for hire
19 purposes is entitled to an allowance for gratuities as part of
20 the hourly wage rate provided in Section 4, subsection (a) in
21 an amount not to exceed 40% of the applicable minimum wage
22 rate. The Director shall require each employer desiring an
23 allowance for gratuities to provide substantial evidence that
24 the amount claimed, which may not exceed 40% of the applicable
25 minimum wage rate, was received by the employee in the period
26 for which the claim of exemption is made, and no part thereof
27 was returned to the employer.

28 (d) No camp counselor who resides on the premises of a
29 seasonal camp of an organized not-for-profit corporation shall
30 be subject to the adult minimum wage if the camp counselor (1)
31 works 40 or more hours per week, and (2) receives a total
32 weekly salary of not less than the adult minimum wage for a
33 40-hour week. If the counselor works less than 40 hours per
34 week, the counselor shall be paid the minimum hourly wage for
35 each hour worked. Every employer of a camp counselor under this
36 subsection is entitled to an allowance for meals and lodging as

1 part of the hourly wage rate provided in Section 4, subsection
2 (a), in an amount not to exceed 25% of the minimum wage rate.

3 (e) A camp counselor employed at a day camp of an organized
4 not-for-profit corporation is not subject to the adult minimum
5 wage if the camp counselor is paid a stipend on a onetime or
6 periodic basis and, if the camp counselor is a minor, the
7 minor's parent, guardian or other custodian has consented in
8 writing to the terms of payment before the commencement of such
9 employment.

10 (Source: P.A. 93-581, eff. 1-1-04.)

11 Section 99. Effective date. This Act takes effect July 1,
12 2004.