

1 AN ACT in relation to 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
9 per hour or in the case of employees under 18 years of age
10 wages of not less than \$1.95 per hour, except as provided in
11 Sections 5 and 6 of this Act, and on and after January 1,
12 1984, every employer shall pay to each of his employees in
13 every occupation wages of not less than \$2.65 per hour or in
14 the case of employees under 18 years of age wages of not less
15 than \$2.25 per hour, and on and after October 1, 1984 every
16 employer shall pay to each of his employees in every
17 occupation wages of not less than \$3.00 per hour or in the
18 case of employees under 18 years of age wages of not less
19 than \$2.55 per hour, and on or after July 1, 1985 every
20 employer shall pay to each of his employees in every
21 occupation wages of not less than \$3.35 per hour or in the
22 case of employees under 18 years of age wages of not less
23 than \$2.85 per hour, and from January 1, 2004 through
24 December 31, 2004 every employer shall pay to each of his or
25 her employees who is 18 years of age or older in every
26 occupation wages of not less than \$5.50 per hour, and on and
27 after January 1, 2005 every employer shall pay to each of his
28 or her employees who is 18 years of age or older in every
29 occupation wages of not less than \$6.50 per hour.

30 ~~At no time shall the wages paid by every employer to each~~
31 ~~of his employees in every occupation be less than the federal~~

1 ~~minimum-hourly-wage-prescribed-by-Section-206(a)(1)-of--Title~~
2 ~~29--of-the-United-States-Code,~~ and At no time shall the wages
3 paid to any employee under 18 years of age be more than 50¢
4 less than the wage required to be paid to employees who are
5 at least 18 years of age.

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

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

32 (d) No camp counselor who resides on the premises of a
33 seasonal camp of an organized not-for-profit corporation
34 shall be subject to the adult minimum wage if the camp

1 counselor (1) works 40 or more hours per week, and (2)
2 receives a total weekly salary of not less than the adult
3 minimum wage for a 40-hour week. If the counselor works less
4 than 40 hours per week, the counselor shall be paid the
5 minimum hourly wage for each hour worked. Every employer of
6 a camp counselor under this subsection is entitled to an
7 allowance for meals and lodging as part of the hourly wage
8 rate provided in Section 4, subsection (a), in an amount not
9 to exceed 25% of the minimum wage rate.

10 (e) A camp counselor employed at a day camp of an
11 organized not-for-profit corporation is not subject to the
12 adult minimum wage if the camp counselor is paid a stipend on
13 a onetime or periodic basis and, if the camp counselor is a
14 minor, the minor's parent, guardian or other custodian has
15 consented in writing to the terms of payment before the
16 commencement of such employment.

17 (Source: P.A. 86-502.)

18 Section 99. Effective date. This Act takes effect on
19 January 1, 2004.