



Sen. William Delgado

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09400HB3752sam001

LRB094 10273 WGH 60765 a

1 AMENDMENT TO HOUSE BILL 3752

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3752 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. If and only if Senate Bill 1268 of the 94th  
5 General Assembly becomes law as that bill was amended by House  
6 Amendment No. 3, the Minimum Wage Law is amended by changing  
7 Section 4 as follows:

8 (820 ILCS 105/4) (from Ch. 48, par. 1004)

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

1 December 31, 2004 every employer shall pay to each of his or  
2 her employees who is 18 years of age or older in every  
3 occupation wages of not less than \$5.50 per hour, and from  
4 January 1, 2005 through June 30, 2007 every employer shall pay  
5 to each of his or her employees who is 18 years of age or older  
6 in every occupation wages of not less than \$6.50 per hour, and  
7 from July 1, 2007 through June 30, 2008 every employer shall  
8 pay to each of his or her employees who is 18 years of age or  
9 older in every occupation wages of not less than \$7.50 per  
10 hour, and from July 1, 2008 through June 30, 2009 every  
11 employer shall pay to each of his or her employees who is 18  
12 years of age or older in every occupation wages of not less  
13 than \$7.75 per hour, and from July 1, 2009 through June 30,  
14 2010 every employer shall pay to each of his or her employees  
15 who is 18 years of age or older in every occupation wages of  
16 not less than \$8.00 per hour, and on and after July 1, 2010  
17 every employer shall pay to each of his or her employees who is  
18 18 years of age or older in every occupation wages of not less  
19 than \$8.25 per hour.

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

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

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

1           (3) At no time shall the wages paid to any employee under  
2 18 years of age be more than 50¢ less than the wage required to  
3 be paid to employees who are at least 18 years of age under  
4 item (1) of this subsection (a).

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

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

30           (d) No camp counselor who resides on the premises of a  
31 seasonal camp of an organized not-for-profit corporation shall  
32 be subject to the adult minimum wage if the camp counselor (1)  
33 works 40 or more hours per week, and (2) receives a total  
34 weekly salary of not less than the adult minimum wage for a

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

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

14 (Source: P.A. 93-581, eff. 1-1-04; 94SB1268ham003.)

15 Section 99. Effective date. This Act takes effect July 1,  
16 2007."