



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5141

by Rep. John A. Fritchey

SYNOPSIS AS INTRODUCED:

820 ILCS 105/4
820 ILCS 105/6

from Ch. 48, par. 1004
from Ch. 48, par. 1006

Amends the Minimum Wage Law. Eliminates provisions that allowed an hourly wage of 50 cents below the regular minimum wage to be paid to an employee under 18 years of age. Makes other conforming changes. Effective January 1, 2009.

LRB095 15216 RLC 41288 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 Sections 4 and 6 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 December 31, 2008 ~~June 30,~~
10 ~~2009~~ every employer shall pay to each of his or her employees
11 who is 18 years of age or older in every occupation wages of
12 not less than \$7.75 per hour, and from January 1, 2009 through
13 June 30, 2009 every employer shall pay to each of his or her
14 employees in every occupation wages of not less than \$7.75 per
15 hour, and from July 1, 2009 through June 30, 2010 every
16 employer shall pay to each of his or her employees ~~who is 18~~
17 ~~years of age or older~~ in every occupation wages of not less
18 than \$8.00 per hour, and on and after July 1, 2010 every
19 employer shall pay to each of his or her employees ~~who is 18~~
20 ~~years of age or older~~ in every occupation wages of not less
21 than \$8.25 per hour.

22 (2) Unless an employee's wages are reduced under Section 6,
23 then in lieu of the rate prescribed in item (1) of this
24 subsection (a), an employer may pay an employee ~~who is 18 years~~
25 ~~of age or older,~~ during the first 90 consecutive calendar days
26 after the employee is initially employed by the employer, a

1 wage that is not more than 50¢ less than the wage prescribed in
2 item (1) of this subsection (a); however, an employer shall pay
3 not less than the rate prescribed in item (1) of this
4 subsection (a) to:

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

8 (B) an employee ~~who is 18 years of age or older and~~
9 whose employment is occasional or irregular and requires
10 not more than 90 days to complete.

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

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

1 this Act.

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

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

25 (e) A camp counselor employed at a day camp of an organized
26 not-for-profit corporation is not subject to the ~~adult~~ minimum

1 wage if the camp counselor is paid a stipend on a onetime or
2 periodic basis and, if the camp counselor is a minor, the
3 minor's parent, guardian or other custodian has consented in
4 writing to the terms of payment before the commencement of such
5 employment.

6 (Source: P.A. 93-581, eff. 1-1-04; 94-1072, eff. 7-1-07;
7 94-1102, eff. 7-1-07.)

8 (820 ILCS 105/6) (from Ch. 48, par. 1006)

9 Sec. 6. (a) For any occupation, the Director may provide by
10 regulation for the employment in that occupation of learners at
11 such wages lower than the minimum wage provided in item ~~items~~
12 (1) ~~and (3)~~ of subsection (a) of Section 4 as the Director may
13 find appropriate to prevent curtailment of opportunities for
14 employment and to safeguard the minimum wage rate of this Act.

15 (b) Where the Director has provided by regulation for the
16 employment of learners, such regulations are subject to
17 provisions hereinafter set forth and to such additional terms
18 and conditions as may be established in supplemental
19 regulations applicable to the employment of learners in
20 particular industries.

21 (c) In any occupation, every employer may pay a subminimum
22 wage to learners during their period of learning. However,
23 under no circumstances, may an employer pay a learner a wage
24 less than 70% of the minimum wage rate provided in item (1) of
25 subsection (a) of Section 4 of this Act ~~for employees 18 years~~

1 ~~of age or older.~~

2 (d) No person is deemed a learner in any occupation for
3 which he has completed the required training; and in no case
4 may a person be deemed a learner in that occupation after 6
5 months of such training, except where the Director finds, after
6 investigation, that for the particular occupation a minimum of
7 proficiency cannot be acquired in 6 months.

8 (Source: P.A. 94-1072, eff. 7-1-07.)

9 Section 99. Effective date. This Act takes effect January
10 1, 2009.