



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB5729

Introduced 2/16/2012, by Rep. Esther Golar

#### SYNOPSIS AS INTRODUCED:

820 ILCS 105/2  
820 ILCS 105/5

from Ch. 48, par. 1002  
from Ch. 48, par. 1005

Amends the Minimum Wage Law. Provides that a lower minimum wage for individuals whose earning capacity is impaired by age or by physical or mental deficiency or injury may not be less than 70% of the basic minimum wage. Provides that a special license issued by the Director of Labor to provide for a lower minimum wage may be only for a period of 6 months unless granted for a longer period based upon a showing of good cause.

LRB097 19011 JLS 64250 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning wages.

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 2 and 5 as follows:

6 (820 ILCS 105/2) (from Ch. 48, par. 1002)

7 Sec. 2. The General Assembly finds that the existence in  
8 industries, trades or business, or branches thereof, including  
9 offices, mercantile establishments and all other places of  
10 employment in the State of Illinois covered by this Act, of  
11 conditions detrimental to the maintenance of the minimum  
12 standard of living necessary for the health, efficiency and  
13 general well-being of workers, leads to labor disputes, and  
14 places burdens on the State, and all other subordinate  
15 political bodies thereof, to assist and supply necessary moneys  
16 and goods to workers and their families to aid them to exist on  
17 a minimum budget for their needs, and thus places an  
18 unnecessary burden on the taxpayers of this State. The General  
19 Assembly also finds that employees with disabilities, when  
20 provided the proper supported and customized services,  
21 training, and tools, can be as productive as non-disabled  
22 employees. Even those individuals who are severely disabled  
23 have been able to successfully obtain employment earning

1 minimum wage or higher and have been found to be very loyal  
2 employees. Disability should in no way diminish the opportunity  
3 of citizens to be independent and economically  
4 self-sufficient. People with disabilities should enjoy a  
5 presumption that they can achieve integrated, non-segregated,  
6 employment. "Integrated employment" means work compensated at  
7 the greater of minimum or competitive wage with related  
8 employment benefits occurring in a typical work setting where  
9 the disabled employee has the opportunity to interact  
10 continuously with non-disabled co-workers and has the  
11 opportunity for advancement and upward mobility. Therefore, it  
12 is the policy of this Act to establish a minimum wage standard  
13 for workers at a level consistent with their health, efficiency  
14 and general well-being; to safeguard such minimum wage against  
15 the unfair competition of wage and hour standards which do not  
16 provide such adequate standards of living; and to sustain  
17 purchasing power and increase employment opportunities.

18 It is against public policy for an employer to pay to his  
19 employees an amount less than that fixed by this Act. Payment  
20 of any amount less than herein fixed is an unreasonable and  
21 oppressive wage, and less than sufficient to meet the minimum  
22 cost of living necessary for health. Any contract, agreement or  
23 understanding for or in relation to such unreasonable and  
24 oppressive wage for any employment covered by this Act is void.

25 (Source: P.A. 77-1451.)

1 (820 ILCS 105/5) (from Ch. 48, par. 1005)

2 Sec. 5. The Director may provide by regulation for the  
3 employment in any occupation of individuals whose earning  
4 capacity is impaired by age, or physical or mental deficiency  
5 or injury at such wages lower than the minimum wage rate  
6 provided in Section 4, subsection (a), as he may find  
7 appropriate to prevent curtailment of opportunities for  
8 employment, to avoid undue hardship, and to safeguard the  
9 minimum wage rate of this Act, except that no person who  
10 maintains a production level within the limits required of  
11 other employees may be paid at less than the minimum wage. No  
12 employee shall be employed at wages fixed pursuant to this  
13 Section except under a special license issued under applicable  
14 regulations of the Director. A special license may not  
15 authorize a wage that is less than 70% of the minimum wage rate  
16 provided in item (1) of subsection (a) of Section 4 of this  
17 Act. A special license may not authorize payment of less than  
18 the minimum wage for more than 6 months unless the Director  
19 authorizes a longer period based upon a showing of good cause.

20 (Source: P.A. 77-1451.)