



Sen. Jim Oberweis

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LRB098 06510 JLS 58357 a

1 AMENDMENT TO SENATE BILL 2004

2 AMENDMENT NO. _____. Amend Senate Bill 2004 by replacing
3 everything after the enacting clause with the following:

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)(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

1 less than \$3.00 per hour or in the case of employees under 18
2 years of age wages of not less than \$2.55 per hour, and on or
3 after July 1, 1985 every employer shall pay to each of his
4 employees in every occupation wages of not less than \$3.35 per
5 hour or in the case of employees under 18 years of age wages of
6 not less than \$2.85 per hour, and from January 1, 2004 through
7 December 31, 2004 every employer shall pay to each of his or
8 her employees who is 18 years of age or older in every
9 occupation wages of not less than \$5.50 per hour, and from
10 January 1, 2005 through June 30, 2007 every employer shall pay
11 to each of his or her employees who is 18 years of age or older
12 in every occupation wages of not less than \$6.50 per hour, and
13 from July 1, 2007 through June 30, 2008 every employer shall
14 pay to each of his or her employees who is 18 years of age or
15 older in every occupation wages of not less than \$7.50 per
16 hour, and from July 1, 2008 through June 30, 2009 every
17 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 \$7.75 per hour, and from July 1, 2009 through June 30,
20 2010 every employer shall pay to each of his or her employees
21 who is 18 years of age or older in every occupation wages of
22 not less than \$8.00 per hour, and from ~~on and after~~ July 1,
23 2010 through December 31, 2014 every employer shall pay to each
24 of his or her employees who is 18 years of age or older in every
25 occupation wages of not less than \$8.25 per hour, and on and
26 after January 1, 2015 every employer shall pay to each of his

1 or her employees who is at least 18 years of age but under 26
2 years of age in every occupation wages of not less than \$8.25
3 per hour, and from January 1, 2015 through December 31, 2015
4 every employer shall pay to each of his or her employees who is
5 26 years of age or older in every occupation wages of not less
6 than \$9 per hour, and from January 1, 2016 through December 31,
7 2016 every employer shall pay to each of his or her employees
8 who is 26 years of age or older in every occupation wages of
9 not less than \$9.50 per hour, and on and after January 1, 2017
10 every employer shall pay to each of his or her employees who is
11 26 years of age or older in every occupation wages of not less
12 than \$10 per hour.

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

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

25 (B) an employee who is 18 years of age or older and
26 whose employment is occasional or irregular and requires

1 not more than 90 days to complete.

2 (3) At no time shall the wages paid to any employee under
3 18 years of age be more than 50¢ less than the wage required to
4 be paid to employees who are at least 18 years of age but under
5 26 years of age under item (1) of this subsection (a).

6 (b) No employer shall discriminate between employees on the
7 basis of sex or mental or physical handicap, except as
8 otherwise provided in this Act by paying wages to employees at
9 a rate less than the rate at which he pays wages to employees
10 for the same or substantially similar work on jobs the
11 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) a
14 seniority system; (2) a merit system; (3) a system which
15 measures earnings by quantity or quality of production; or (4)
16 a differential based on any other factor other than sex or
17 mental or physical handicap, except as otherwise provided in
18 this Act.

19 (c) Every employer of an employee engaged in an occupation
20 in which gratuities have customarily and usually constituted
21 and have been recognized as part of the remuneration for hire
22 purposes is entitled to an allowance for gratuities as part of
23 the hourly wage rate provided in Section 4, subsection (a) in
24 an amount not to exceed 40% of the applicable minimum wage
25 rate. The Director shall require each employer desiring an
26 allowance for gratuities to provide substantial evidence that

1 the amount claimed, which may not exceed 40% of the applicable
2 minimum wage rate, was received by the employee in the period
3 for which the claim of exemption is made, and no part thereof
4 was returned to the employer.

5 (d) No camp counselor who resides on the premises of a
6 seasonal camp of an organized not-for-profit corporation shall
7 be subject to the adult minimum wage if the camp counselor (1)
8 works 40 or more hours per week, and (2) receives a total
9 weekly salary of not less than the adult minimum wage for a
10 40-hour week. If the counselor works less than 40 hours per
11 week, the counselor shall be paid the minimum hourly wage for
12 each hour worked. Every employer of a camp counselor under this
13 subsection is entitled to an allowance for meals and lodging as
14 part of the hourly wage rate provided in Section 4, subsection
15 (a), in an amount not to exceed 25% of the minimum wage rate.

16 (e) A camp counselor employed at a day camp is not subject
17 to the adult minimum wage if the camp counselor is paid a
18 stipend on a onetime or periodic basis and, if the camp
19 counselor is a minor, the minor's parent, guardian or other
20 custodian has consented in writing to the terms of payment
21 before the commencement of such employment.

22 (f) A municipality, including a home rule municipality, may
23 not establish a minimum wage in an amount in excess of the
24 minimum wage established under this Section. This Section is a
25 denial and limitation of home rule powers and functions under
26 subsection (g) of Article VII of the Illinois Constitution.

1 (Source: P.A. 94-1072, eff. 7-1-07; 94-1102, eff. 7-1-07;
2 95-945, eff. 1-1-09.)".