

AN ACT in relation to employment.

Be it enacted by the People of the State of Illinois,
represented in the General Assembly:

Section 5. The Minimum Wage Law is amended by changing
Section 4 as follows:

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

Sec. 4. (a) Every employer shall pay to each of his
employees in every occupation wages of not less than \$2.30
per hour or in the case of employees under 18 years of age
wages of not less than \$1.95 per hour, except as provided in
Sections 5 and 6 of this Act, and on and after January 1,
1984, every employer shall pay to each of his employees in
every occupation wages of not less than \$2.65 per hour or in
the case of employees under 18 years of age wages of not less
than \$2.25 per hour, and on and after October 1, 1984 every
employer shall pay to each of his employees in every
occupation wages of not less than \$3.00 per hour or in the
case of employees under 18 years of age wages of not less
than \$2.55 per hour, and on or after July 1, 1985 every
employer shall pay to each of his employees in every
occupation wages of not less than \$3.35 per hour or in the
case of employees under 18 years of age wages of not less
than \$2.85 per hour, and from January 1, 2004 through
December 31, 2004 every employer shall pay to each of his or
her employees who is 18 years of age or older in every
occupation wages of not less than \$5.50 per hour, and on and
after January 1, 2005 every employer shall pay to each of his
or her employees who is 18 years of age or older in every
occupation wages of not less than \$6.50 per hour.

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

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

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

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

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

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

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

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

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