



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4972

Introduced 2/18/2020, by Rep. Ryan Spain

SYNOPSIS AS INTRODUCED:

820 ILCS 105/4

from Ch. 48, par. 1004

Amends the Minimum Wage Law. Provides that the Department of Labor shall divide the State into 3 areas in accordance with specified criteria. Provides that, after the Department of Labor has divided the State into 3 areas, any municipality may, by ordinance, make that municipality a part of another area, and any county may, by ordinance, make the unincorporated territory of that county a part of another area. Establishes minimum wage rates for each area.

LRB101 17838 JLS 67273 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Section 4 as follows:

6 (820 ILCS 105/4) (from Ch. 48, par. 1004)

7 Sec. 4. (a) (1) The Department of Labor shall designate
8 Illinois Job Area A as the counties in Illinois that are within
9 the Chicago Metropolitan Statistical Area as defined by the
10 United States Office of Management and Budget. Using population
11 data from the most recent decennial census, the Department
12 shall divide the remainder of the State into Illinois Job Areas
13 B and C in accordance with the following criteria:

14 (i) Illinois Job Areas B and C shall be contiguous but
15 are not required to be compact.

16 (ii) The Department of Labor shall keep each county
17 intact in either Illinois Job Area B or Illinois Job Area
18 C.

19 (iii) There shall be no more than a 10% difference in
20 population between Illinois Job Areas B and C.

21 (iv) To the extent practicable given the criteria in
22 items (i) through (iii), the Department shall place
23 counties in Illinois Job Areas B and C so that Illinois Job

1 Area C has a higher unemployment rate, not seasonally
2 adjusted, than Illinois Job Area B and the difference in
3 unemployment rates between Illinois Job Area C and Illinois
4 Job Area B is maximized.

5 The Department of Employment Security and the Department of
6 Innovation and Technology shall provide any assistance that the
7 Department of Labor requires to perform its duties under this
8 subsection (a).

9 After the Department of Labor has divided the State into
10 Illinois Job Areas A, B, and C, any municipality may, by
11 ordinance, make that municipality a part of another Illinois
12 Job Area without regard to the criteria in items (i) through
13 (iv), and any county may, by ordinance, make the unincorporated
14 territory of that county a part of another Illinois Job Area
15 without regard to the criteria in items (i) through (iv).

16 In Illinois Job Area A, ~~Every employer shall pay to each of~~
17 ~~his employees in every occupation wages of not less than \$2.30~~
18 ~~per hour or in the case of employees under 18 years of age~~
19 ~~wages of not less than \$1.95 per hour, except as provided in~~
20 ~~Sections 5 and 6 of this Act, and on and after January 1, 1984,~~
21 ~~every employer shall pay to each of his employees in every~~
22 ~~occupation wages of not less than \$2.65 per hour or in the case~~
23 ~~of employees under 18 years of age wages of not less than \$2.25~~
24 ~~per hour, and on and after October 1, 1984 every employer shall~~
25 ~~pay to each of his employees in every occupation wages of not~~
26 ~~less than \$3.00 per hour or in the case of employees under 18~~

1 ~~years of age wages of not less than \$2.55 per hour, and on or~~
2 ~~after July 1, 1985 every employer shall pay to each of his~~
3 ~~employees in every occupation wages of not less than \$3.35 per~~
4 ~~hour or in the case of employees under 18 years of age wages of~~
5 ~~not less than \$2.85 per hour, and from January 1, 2004 through~~
6 ~~December 31, 2004 every employer shall pay to each of his or~~
7 ~~her employees who is 18 years of age or older in every~~
8 ~~occupation wages of not less than \$5.50 per hour, and from~~
9 ~~January 1, 2005 through June 30, 2007 every employer shall pay~~
10 ~~to each of his or her employees who is 18 years of age or older~~
11 ~~in every occupation wages of not less than \$6.50 per hour, and~~
12 ~~from July 1, 2007 through June 30, 2008 every employer shall~~
13 ~~pay to each of his or her employees who is 18 years of age or~~
14 ~~older in every occupation wages of not less than \$7.50 per~~
15 ~~hour, and from July 1, 2008 through June 30, 2009 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 \$7.75 per hour, and from July 1, 2009 through June 30,~~
19 ~~2010 every employer shall pay to each of his or her employees~~
20 ~~who is 18 years of age or older in every occupation wages of~~
21 ~~not less than \$8.00 per hour, and from July 1, 2010 through~~
22 ~~December 31, 2019 every employer shall pay to each of his or~~
23 ~~her employees who is 18 years of age or older in every~~
24 ~~occupation wages of not less than \$8.25 per hour, and from~~
25 ~~January 1, 2020 through June 30, 2020, every employer shall pay~~
26 ~~to each of his or her employees who is 18 years of age or older~~

1 ~~in every occupation wages of not less than \$9.25 per hour, and~~
2 ~~from July 1, 2020 through December 31, 2020 every employer~~
3 ~~shall pay to each of his or her employees who is 18 years of age~~
4 ~~or older in every occupation wages of not less than \$10 per~~
5 ~~hour, and from January 1, 2021 through December 31, 2021 every~~
6 employer shall pay to each of his or her employees who is 18
7 years of age or older in every occupation wages of not less
8 than \$11 per hour, and from January 1, 2022 through December
9 31, 2022 every employer shall pay to each of his or her
10 employees who is 18 years of age or older in every occupation
11 wages of not less than \$12 per hour, and from January 1, 2023
12 through December 31, 2023 every employer shall pay to each of
13 his or her employees who is 18 years of age or older in every
14 occupation wages of not less than \$13 per hour, and from
15 January 1, 2024 through December 31, 2024, every employer shall
16 pay to each of his or her employees who is 18 years of age or
17 older in every occupation wages of not less than \$14 per hour;
18 and on and after January 1, 2025, every employer shall pay to
19 each of his or her employees who is 18 years of age or older in
20 every occupation wages of not less than \$15 per hour.

21 In Illinois Job Area B, through June 30, 2022 every
22 employer shall pay to each of his or her employees who is 18
23 years of age or older in every occupation wages of not less
24 than \$11 per hour, and from July 1, 2022 through June 30, 2023
25 every employer shall pay to each of his or her employees who is
26 18 years of age or older in every occupation wages of not less

1 than \$11.67 per hour, and from July 1, 2023 through June 30,
2 2024 every employer shall pay to each of his or her employees
3 who is 18 years of age or older in every occupation wages of
4 not less than \$12.33 per hour, and from July 1, 2024 through
5 June 30, 2025 every employer shall pay to each of his or her
6 employees who is 18 years of age or older in every occupation
7 wages of not less than \$13 per hour, and from July 1, 2025
8 through June 30, 2026 every employer shall pay to each of his
9 or her employees who is 18 years of age or older in every
10 occupation wages of not less than \$13.67 per hour, and from
11 July 1, 2026 through June 30, 2027 every employer shall pay to
12 each of his or her employees who is 18 years of age or older in
13 every occupation wages of not less than \$14.33 per hour, and on
14 and after July 1, 2027, every employer shall pay to each of his
15 or her employees who is 18 years of age or older in every
16 occupation wages of not less than \$15 per hour.

17 In Illinois Job Area C, through June 30, 2022 every
18 employer shall pay to each of his or her employees who is 18
19 years of age or older in every occupation wages of not less
20 than \$11 per hour, and from July 1, 2022 through June 30, 2023
21 every employer shall pay to each of his or her employees who is
22 18 years of age or older in every occupation wages of not less
23 than \$11.33 per hour, and from July 1, 2023 through June 30,
24 2024 every employer shall pay to each of his or her employees
25 who is 18 years of age or older in every occupation wages of
26 not less than \$11.67 per hour, and from July 1, 2024 through

1 June 30, 2025 every employer shall pay to each of his or her
2 employees who is 18 years of age or older in every occupation
3 wages of not less than \$12 per hour, and from July 1, 2025
4 through June 30, 2026 every employer shall pay to each of his
5 or her employees who is 18 years of age or older in every
6 occupation wages of not less than \$12.33 per hour, and from
7 July 1, 2026 through June 30, 2027 every employer shall pay to
8 each of his or her employees who is 18 years of age or older in
9 every occupation wages of not less than \$12.67 per hour, and
10 from July 1, 2027 through June 30, 2028 every employer shall
11 pay to each of his or her employees who is 18 years of age or
12 older in every occupation wages of not less than \$13 per hour,
13 and from July 1, 2028 through June 30, 2029 every employer
14 shall pay to each of his or her employees who is 18 years of age
15 or older in every occupation wages of not less than \$13.33 per
16 hour, and from July 1, 2029 through June 30, 2030 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 \$13.67 per hour, and from July 1, 2030 through June 30,
20 2031 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 \$14 per hour, and from July 1, 2031 through June
23 30, 2032 every employer shall pay to each of his or her
24 employees who is 18 years of age or older in every occupation
25 wages of not less than \$14.33 per hour, and from July 1, 2032
26 through June 30, 2033 every employer shall pay to each of his

1 or her employees who is 18 years of age or older in every
2 occupation wages of not less than \$14.67 per hour, and on and
3 after July 1, 2033, every employer shall pay to each of his or
4 her employees who is 18 years of age or older in every
5 occupation wages of not less than \$15 per hour.

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

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

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

21 (3) At no time on or before December 31, 2019 shall the
22 wages paid to any employee under 18 years of age be more than
23 50¢ less than the wage required to be paid to employees who are
24 at least 18 years of age under item (1) of this subsection (a).
25 Beginning on January 1, 2020, every employer shall pay to each
26 of his or her employees who is under 18 years of age that has

1 worked more than 650 hours for the employer during any calendar
2 year a wage not less than the wage required for employees who
3 are 18 years of age or older under paragraph (1) of subsection
4 (a) of Section 4 of this Act. Every employer shall pay to each
5 of his or her employees who is under 18 years of age that has
6 not worked more than 650 hours for the employer during any
7 calendar year: (1) \$8 per hour from January 1, 2020 through
8 December 31, 2020; (2) \$8.50 per hour from January 1, 2021
9 through December 31, 2021; (3) \$9.25 per hour from January 1,
10 2022 through December 31, 2022; (4) \$10.50 per hour from
11 January 1, 2023 through December 31, 2023; (5) \$12 per hour
12 from January 1, 2024 through December 31, 2024; and (6) \$13 per
13 hour on and after January 1, 2025.

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

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

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

24 (e) A camp counselor employed at a day camp is not subject
25 to the adult minimum wage if the camp counselor is paid a
26 stipend on a onetime or periodic basis and, if the camp

1 counselor is a minor, the minor's parent, guardian or other
2 custodian has consented in writing to the terms of payment
3 before the commencement of such employment.

4 (Source: P.A. 101-1, eff. 2-19-19.)