



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB3898

Introduced 2/17/2023, by Rep. Camille Y. Lilly

#### SYNOPSIS AS INTRODUCED:

New Act  
820 ILCS 105/4

from Ch. 48, par. 1004

Creates the High Roads Kitchen Program Act. Provides that the Department of Labor shall create the High Roads Kitchen Program to recognize restaurants that voluntarily take no allowance for gratuities under the Minimum Wage Law. Provides for program eligibility requirements, benefits, and revocation of certification. Provides that the Department may adopt rules to implement and enforce the program. Amends the Minimum Wage Law. Provides that, from July 1, 2024 through December 31, 2024, the allowance for gratuities to which an employer is entitled for an employee engaged in an occupation in which gratuities have been recognized as part of the remuneration shall not exceed 20% of the applicable minimum wage rate. Provides that, from January 1, 2025 through December 31, 2025, the allowance for gratuities shall not exceed 20% of the applicable minimum wage rate. Provides that, on and after January 1, 2026, an employer shall not be entitled to an allowance for gratuities and shall pay each employee no less than the applicable minimum wage rate.

LRB103 25782 SPS 52131 b

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 1. Short title. This Act may be cited as the High  
5 Roads Kitchen Program Act.

6 Section 5. High Roads Kitchen Program.

7 (a) The Department of Labor shall create the High Roads  
8 Kitchen Program to recognize restaurants that voluntarily take  
9 no allowance for gratuities under subsection (c) of Section 4  
10 of the Minimum Wage Law.

11 (b) To qualify for recognition as a High Road Kitchen  
12 Restaurant under the program, an owner of a restaurant must  
13 certify, on a form created by the Department, that the  
14 restaurant has satisfied the following requirements:

15 (1) that it takes no allowance for gratuities under  
16 subsection (c) of Section 4 of the Minimum Wage Law;

17 (2) that all of the restaurant's owners and employees  
18 have completed an equity training program approved by the  
19 Department under Section 10; and

20 (3) that it has not been found to have violated the  
21 Illinois Wage Payment and Collection Act or the Minimum  
22 Wage Law by the Department or a court within the prior 3  
23 years.

1           Section 10. Equity training program. The Department of  
2 Labor shall approve an equity training program that trains  
3 restaurant owners and employees on how to achieve equity among  
4 employees in the restaurant while maintaining profitability  
5 and eliminating the subminimum wage for workers who have  
6 customarily received gratuities. To develop the content of the  
7 training and provide the training, the Department may work  
8 with non-profit organizations with an established history of  
9 working toward the goal of a full minimum wage plus gratuities  
10 for employees who have customarily received gratuities,  
11 eliminating the subminimum wage for such employees, and with a  
12 history of advancing racial equity in restaurants. The  
13 Director of Labor shall have the authority to approve any  
14 equity training program under this Section and certify any  
15 organization to provide the training that meets the criteria  
16 described in this Section. Under no circumstances may a  
17 restaurant owner charge an employee a fee for participation in  
18 an equity training program.

19           Section 15. Benefits of program membership. The Department  
20 of Labor shall certify restaurants participating in the High  
21 Roads Kitchen Program that satisfy the requirements described  
22 in subsection (b) of Section 5 and provide those restaurants  
23 with the following benefits:

24           (1) issuing the owner of a restaurant a certificate

1 identifying the restaurant as a certified High Road  
2 Kitchen Restaurant, that may be posted inside of the  
3 restaurant; and

4 (2) listing the restaurant on its website as a  
5 certified member of the High Road Kitchen Program.

6 Section 20. Revocation of certification under the program.

7 (a) Upon a finding that a restaurant certified under this  
8 Act has committed a substantial violation of the Illinois Wage  
9 Payment and Collection Act or the Minimum Wage Law, the  
10 Department of Labor shall revoke the certification as soon as  
11 practicable. Upon written notice of the revocation of its  
12 certification, the restaurant shall be removed from the  
13 Department's website and shall not be permitted to display the  
14 program certification.

15 (b) The Department shall fine any restaurant that violates  
16 any provision of this Act up to \$1,500 per day for each  
17 violation, payable to the Wage Theft Enforcement Fund.

18 Section 25. Rulemaking. The Department of Labor may adopt  
19 rules to implement and enforce the provisions of this Act.

20 Section 90. The Minimum Wage Law is amended by changing  
21 Section 4 as follows:

22 (820 ILCS 105/4) (from Ch. 48, par. 1004)

1           Sec. 4. (a)(1) Every employer shall pay to each of his  
2 employees in every occupation wages of not less than \$2.30 per  
3 hour or in the case of employees under 18 years of age wages of  
4 not less than \$1.95 per hour, except as provided in Sections 5  
5 and 6 of this Act, and on and after January 1, 1984, every  
6 employer shall pay to each of his employees in every  
7 occupation wages of not less than \$2.65 per hour or in the case  
8 of employees under 18 years of age wages of not less than \$2.25  
9 per hour, and on and after October 1, 1984 every employer shall  
10 pay to each of his employees in every occupation wages of not  
11 less than \$3.00 per hour or in the case of employees under 18  
12 years of age wages of not less than \$2.55 per hour, and on or  
13 after July 1, 1985 every employer shall pay to each of his  
14 employees in every occupation wages of not less than \$3.35 per  
15 hour or in the case of employees under 18 years of age wages of  
16 not less than \$2.85 per hour, and from January 1, 2004 through  
17 December 31, 2004 every employer shall pay to each of his or  
18 her employees who is 18 years of age or older in every  
19 occupation wages of not less than \$5.50 per hour, and from  
20 January 1, 2005 through June 30, 2007 every employer shall pay  
21 to each of his or her employees who is 18 years of age or older  
22 in every occupation wages of not less than \$6.50 per hour, and  
23 from July 1, 2007 through June 30, 2008 every employer shall  
24 pay to each of his or her employees who is 18 years of age or  
25 older in every occupation wages of not less than \$7.50 per  
26 hour, and from July 1, 2008 through June 30, 2009 every

1 employer shall pay to each of his or her employees who is 18  
2 years of age or older in every occupation wages of not less  
3 than \$7.75 per hour, and from July 1, 2009 through June 30,  
4 2010 every employer shall pay to each of his or her employees  
5 who is 18 years of age or older in every occupation wages of  
6 not less than \$8.00 per hour, and from July 1, 2010 through  
7 December 31, 2019 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 \$8.25 per hour, and from  
10 January 1, 2020 through June 30, 2020, 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 \$9.25 per  
13 hour, and from July 1, 2020 through December 31, 2020 every  
14 employer shall pay to each of his or her employees who is 18  
15 years of age or older in every occupation wages of not less  
16 than \$10 per hour, and from January 1, 2021 through December  
17 31, 2021 every employer shall pay to each of his or her  
18 employees who is 18 years of age or older in every occupation  
19 wages of not less than \$11 per hour, and from January 1, 2022  
20 through December 31, 2022 every employer shall pay to each of  
21 his or her employees who is 18 years of age or older in every  
22 occupation wages of not less than \$12 per hour, and from  
23 January 1, 2023 through December 31, 2023 every employer shall  
24 pay to each of his or her employees who is 18 years of age or  
25 older in every occupation wages of not less than \$13 per hour,  
26 and from January 1, 2024 through December 31, 2024, every

1 employer shall pay to each of his or her employees who is 18  
2 years of age or older in every occupation wages of not less  
3 than \$14 per hour; and on and after January 1, 2025, every  
4 employer shall pay to each of his or her employees who is 18  
5 years of age or older in every occupation wages of not less  
6 than \$15 per hour.

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

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

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

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

1 of his or her employees who is under 18 years of age that has  
2 worked more than 650 hours for the employer during any  
3 calendar year a wage not less than the wage required for  
4 employees who are 18 years of age or older under paragraph (1)  
5 of subsection (a) of Section 4 of this Act. Every employer  
6 shall pay to each of his or her employees who is under 18 years  
7 of age that has not worked more than 650 hours for the employer  
8 during any calendar year: (1) \$8 per hour from January 1, 2020  
9 through December 31, 2020; (2) \$8.50 per hour from January 1,  
10 2021 through December 31, 2021; (3) \$9.25 per hour from  
11 January 1, 2022 through December 31, 2022; (4) \$10.50 per hour  
12 from January 1, 2023 through December 31, 2023; (5) \$12 per  
13 hour from January 1, 2024 through December 31, 2024; and (6)  
14 \$13 per hour on and after January 1, 2025.

15 (b) No employer shall discriminate between employees on  
16 the basis of sex or mental or physical disability, 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)  
23 a 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 disability, 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 rate  
8 through June 30, 2024. From July 1, 2024 through December 31,  
9 2024, such allowance for gratuities shall not exceed 20% of  
10 the applicable minimum wage rate. From January 1, 2024 through  
11 December 31, 2025, such allowance for gratuities shall not  
12 exceed 10% of the applicable minimum wage rate. The Director  
13 shall require each employer desiring an allowance for  
14 gratuities to provide substantial evidence that the amount  
15 claimed, which may not exceed the allowance amount prescribed  
16 in this subsection ~~40% of the applicable minimum wage rate,~~  
17 was received by the employee in the period for which the claim  
18 of exemption is made, and no part thereof was returned to the  
19 employer. On and after January 1, 2026, an employer shall not  
20 be entitled to an allowance for gratuities and shall pay each  
21 employee no less than the applicable minimum wage rate. An  
22 employer may not keep any gratuities received by its employees  
23 for any purposes or allow managers or supervisors to keep any  
24 portion of employees' gratuities, regardless of whether or not  
25 the employer takes an allowance for gratuities. Nothing in  
26 this subsection shall be construed to prohibit an otherwise

1 valid pooling of gratuities among nonmanagerial and  
2 nonsupervisory employees.

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

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

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