

1 AN ACT in relation to 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) Beginning January 1, 2004, and until
8 January 1, 2005, every employer shall pay, to each of his or
9 her employees who has reached the age of 18 years, wages at a
10 rate of not less than \$6.50 per hour.

11 Beginning on January 1, 2005, every employer shall pay to
12 each of his or her employees who has reached the age of 18
13 years wages at a rate of not less than the amount established
14 under this subsection (a).

15 On September 30, 2004, and on each following September
16 30th, the Department of Labor shall calculate an adjusted
17 minimum wage rate to maintain employee purchasing power by
18 increasing the current year's minimum wage rate by the rate
19 of inflation. The adjusted minimum wage rate shall be
20 calculated to the nearest cent using the consumer price index
21 for urban wage earners and clerical workers, CPI-W, or a
22 successor index, for the 12 months prior to each September
23 1st as calculated by the United States Department of Labor.
24 Each adjusted minimum wage rate calculated under this
25 subsection (a) takes effect on the following January 1st.

26 The Director of Labor shall by rule establish the minimum
27 wage for employees under the age of 18 years. Every--employer
28 shall--pay--to--each--of--his--employees--in--every--occupation--wages
29 of--not--less--than--\$2.30--per--hour--or--in--the--case--of--employees
30 under--18--years--of--age--wages--of--not--less--than--\$1.95--per--hour,
31 except--as--provided--in--Sections--5--and--6--of--this--Act, and--on

1 and--after--January-17-1984,-every-employer-shall-pay-to-each
2 of-his-employees-in-every-occupation-wages-of-not--less--than
3 \$2.65--per-hour-or-in-the-case-of-employees-under-18-years-of
4 age-wages-of-not-less-than-\$2.25-per-hour,-and-on--and--after
5 October--17--1984--every--employer--shall--pay-to-each-of-his
6 employees-in-every-occupation-wages-of-not--less--than--\$3.00
7 per--hour--or--in-the-case-of-employees-under-18-years-of-age
8 wages-of-not-less-than-\$2.55-per-hour-and-on-and--after--July
9 17--1985-every-employer-shall-pay-to-each-of-his-employees-in
10 every-occupation-wages-of-not-less-than-\$3.35-per-hour-or--in
11 the-case-of-employees-under-18-years-of-age-wages-of-not-less
12 than-\$2.85-per-hour.

13 At no time shall the wages paid by every employer to each
14 of his employees in every occupation be less than the federal
15 minimum hourly wage prescribed by Section 206(a)(1) of Title
16 29 of the United States Code, and at no time shall the wages
17 paid to any employee under 18 years of age be more than 50¢
18 less than the wage required to be paid to employees who are
19 at least 18 years of age.

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

33 (c) Every employer of an employee engaged in an
34 occupation in which gratuities have customarily and usually

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

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

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

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