



Rep. Marlow H. Colvin

Filed: 11/28/2006

09400SB1268ham001

LRB094 04932 LCT 60708 a

1 AMENDMENT TO SENATE BILL 1268

2 AMENDMENT NO. _____. Amend Senate Bill 1268 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) 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
17 less than \$3.00 per hour or in the case of employees under 18
18 years of age wages of not less than \$2.55 per hour, and on or
19 after July 1, 1985 every employer shall pay to each of his
20 employees in every occupation wages of not less than \$3.35 per
21 hour or in the case of employees under 18 years of age wages of
22 not less than \$2.85 per hour, and from January 1, 2004 through
23 December 31, 2004 every employer shall pay to each of his or
24 her employees who is 18 years of age or older in every

1 occupation wages of not less than \$5.50 per hour, and from ~~on~~
2 ~~and after~~ January 1, 2005 through June 30, 2007 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 \$6.50 per
5 hour, and from July 1, 2007 through June 30, 2008 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 \$7.50 per hour, and from July 1, 2008 through June 30,
9 2009 every employer shall pay to each of his or her employees
10 who is 18 years of age or older in every occupation wages of
11 not less than \$7.75 per hour, and on and after July 1, 2009
12 every employer shall pay to each of his or her employees who is
13 18 years of age or older in every occupation wages of not less
14 than \$8.00 per hour.

15 In lieu of the rate prescribed in the preceding paragraph
16 of this subsection (a), an employer may pay an employee of any
17 age, during the first 90 consecutive calendar days after the
18 employee is initially employed by the employer, a wage that is
19 not more than 50¢ less than the wage prescribed in the
20 preceding paragraph of this subsection (a); thereafter, at ~~At~~
21 no time shall the wages paid to any employee under 18 years of
22 age be more than 50¢ less than the wage required to be paid to
23 employees who are at least 18 years of age.

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

1 mental or physical handicap, except as otherwise provided in
2 this Act.

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

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

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

33 (Source: P.A. 93-581, eff. 1-1-04.)

1 Section 99. Effective date. This Act takes effect July 1,
2 2007.".