



Rep. Larry McKeon

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LRB094 04932 WGH 60737 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 Sections 4 and 6 as follows:

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

7 Sec. 4. (a) (1) 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 from July 1, 2009 through
12 June 30, 2010 every employer shall pay to each of his or her
13 employees who is 18 years of age or older in every occupation
14 wages of not less than \$8.00 per hour, and on and after July 1,
15 2010 every employer shall pay to each of his or her employees
16 who is 18 years of age or older in every occupation wages of
17 not less than \$8.25 per hour.

18 (2) Unless an employee's wages are reduced under Section 6,
19 then in lieu of the rate prescribed in item (1) of this
20 subsection (a), an employer may pay an employee who is 18 years
21 of age or older, during the first 90 consecutive calendar days
22 after the employee is initially employed by the employer, a
23 wage that is not more than 50¢ less than the wage prescribed in
24 item (1) of this subsection (a).

25 (3) At no time shall the wages paid to any employee under
26 18 years of age be more than 50¢ less than the wage required to
27 be paid to employees who are at least 18 years of age under
28 item (1) of this subsection (a).

29 (b) No employer shall discriminate between employees on the
30 basis of sex or mental or physical handicap, except as
31 otherwise provided in this Act by paying wages to employees at
32 a rate less than the rate at which he pays wages to employees
33 for the same or substantially similar work on jobs the
34 performance of which requires equal skill, effort, and

1 responsibility, and which are performed under similar working
2 conditions, except where such payment is made pursuant to (1) a
3 seniority system; (2) a merit system; (3) a system which
4 measures earnings by quantity or quality of production; or (4)
5 a differential based on any other factor other than sex or
6 mental or physical handicap, except as otherwise provided in
7 this Act.

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

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

31 (e) A camp counselor employed at a day camp of an organized
32 not-for-profit corporation is not subject to the adult minimum
33 wage if the camp counselor is paid a stipend on a onetime or
34 periodic basis and, if the camp counselor is a minor, the

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

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

5 (820 ILCS 105/6) (from Ch. 48, par. 1006)

6 Sec. 6. (a) For any occupation, the Director may provide by
7 regulation for the employment in that occupation of learners at
8 such wages lower than the minimum wage provided in items (1)
9 and (3) of ~~Section 4,~~ subsection (a) of Section 4 as the
10 Director may find appropriate to prevent curtailment of
11 opportunities for employment and to safeguard the minimum wage
12 rate of this Act.

13 (b) Where the Director has provided by regulation for the
14 employment of learners, such regulations are subject to
15 provisions hereinafter set forth and to such additional terms
16 and conditions as may be established in supplemental
17 regulations applicable to the employment of learners in
18 particular industries.

19 (c) In any occupation, every employer may pay a subminimum
20 wage to learners during their period of learning. However,
21 under no circumstances, may an employer pay a learner a wage
22 less than 70% of the minimum wage rate provided in item (1) of
23 ~~Section 4,~~ subsection (a) of Section 4 of this Act for
24 employees 18 years of age or older.

25 (d) No person is deemed a learner in any occupation for
26 which he has completed the required training; and in no case
27 may a person be deemed a learner in that occupation after 6
28 months of such training, except where the Director finds, after
29 investigation, that for the particular occupation a
30 minimum of proficiency cannot be acquired in 6 months.

31 (Source: P.A. 81-1144.)

32 Section 99. Effective date. This Act takes effect July 1,

1 2007.".