



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2180

by Rep. Anne Stava-Murray

SYNOPSIS AS INTRODUCED:

820 ILCS 105/4
820 ILCS 105/6

from Ch. 48, par. 1004
from Ch. 48, par. 1006

Amends the Minimum Wage Law to provide that an employer shall pay a person no less than the minimum wage rate if the person is a student enrolled in an institution of higher education whose employment is part of a work study or internship program approved by that institution, regardless of whether the person is receiving course credit from that institution for the employment. Effective immediately.

LRB101 07038 TAE 52074 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. This Act may be referred to as the Internship
5 Equity Act.

6 Section 5. The Minimum Wage Law is amended by changing
7 Sections 4 and 6 as follows:

8 (820 ILCS 105/4) (from Ch. 48, par. 1004)

9 Sec. 4. (a)(1) Every employer shall pay to each of his
10 employees in every occupation wages of not less than \$2.30 per
11 hour or in the case of employees under 18 years of age wages of
12 not less than \$1.95 per hour, except as provided in Sections 5
13 and 6 of this Act, and on and after January 1, 1984, every
14 employer shall pay to each of his employees in every occupation
15 wages of not less than \$2.65 per hour or in the case of
16 employees under 18 years of age wages of not less than \$2.25
17 per hour, and on and after October 1, 1984 every employer shall
18 pay to each of his employees in every occupation wages of not
19 less than \$3.00 per hour or in the case of employees under 18
20 years of age wages of not less than \$2.55 per hour, and on or
21 after July 1, 1985 every employer shall pay to each of his
22 employees in every occupation wages of not less than \$3.35 per

1 hour or in the case of employees under 18 years of age wages of
2 not less than \$2.85 per hour, and from January 1, 2004 through
3 December 31, 2004 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 \$5.50 per hour, and from
6 January 1, 2005 through June 30, 2007 every employer shall pay
7 to each of his or her employees who is 18 years of age or older
8 in every occupation wages of not less than \$6.50 per hour, and
9 from July 1, 2007 through June 30, 2008 every employer shall
10 pay to each of his or her employees who is 18 years of age or
11 older in every occupation wages of not less than \$7.50 per
12 hour, and from July 1, 2008 through June 30, 2009 every
13 employer shall pay to each of his or her employees who is 18
14 years of age or older in every occupation wages of not less
15 than \$7.75 per hour, and from July 1, 2009 through June 30,
16 2010 every employer shall pay to each of his or her employees
17 who is 18 years of age or older in every occupation wages of
18 not less than \$8.00 per hour, and on and after July 1, 2010
19 every employer shall pay to each of his or her employees who is
20 18 years of age or older in every occupation wages of not less
21 than \$8.25 per hour.

22 (2) Unless an employee's wages are reduced under Section 6,
23 then in lieu of the rate prescribed in item (1) of this
24 subsection (a), an employer may pay an employee who is 18 years
25 of age or older, during the first 90 consecutive calendar days
26 after the employee is initially employed by the employer, a

1 wage that is not more than 50¢ less than the wage prescribed in
2 item (1) of this subsection (a); however, an employer shall pay
3 not less than the rate prescribed in item (1) of this
4 subsection (a) to:

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

8 (B) an employee who is 18 years of age or older and
9 whose employment is occasional or irregular and requires
10 not more than 90 days to complete; ~~and~~

11 (C) a person described in item (4) of this subsection
12 (a).

13 (3) At no time shall the wages paid to any employee under
14 18 years of age be more than 50¢ less than the wage required to
15 be paid to employees who are at least 18 years of age under
16 item (1) of this subsection (a).

17 (4) An employer shall pay a person no less than the minimum
18 wage prescribed in items (1) and (3) of this subsection (a) if
19 the person is a student enrolled in an institution of higher
20 education whose employment is part of a work study or
21 internship program approved by that institution, regardless of
22 whether the person is receiving course credit from that
23 institution for the employment, and if the person is not
24 otherwise excluded from the definition of "employee" under
25 subsection (d) of Section 3.

26 (b) No employer shall discriminate between employees on the

1 basis of sex or mental or physical disability, except as
2 otherwise provided in this Act by paying wages to employees at
3 a rate less than the rate at which he pays wages to employees
4 for the same or substantially similar work on jobs the
5 performance of which requires equal skill, effort, and
6 responsibility, and which are performed under similar working
7 conditions, except where such payment is made pursuant to (1) a
8 seniority system; (2) a merit system; (3) a system which
9 measures earnings by quantity or quality of production; or (4)
10 a differential based on any other factor other than sex or
11 mental or physical disability, except as otherwise provided in
12 this Act.

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

25 (d) No camp counselor who resides on the premises of a
26 seasonal camp of an organized not-for-profit corporation shall

1 be subject to the adult minimum wage if the camp counselor (1)
2 works 40 or more hours per week, and (2) receives a total
3 weekly salary of not less than the adult minimum wage for a
4 40-hour week. If the counselor works less than 40 hours per
5 week, the counselor shall be paid the minimum hourly wage for
6 each hour worked. Every employer of a camp counselor under this
7 subsection is entitled to an allowance for meals and lodging as
8 part of the hourly wage rate provided in Section 4, subsection
9 (a), in an amount not to exceed 25% of the minimum wage rate.

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

16 (Source: P.A. 99-143, eff. 7-27-15.)

17 (820 ILCS 105/6) (from Ch. 48, par. 1006)

18 Sec. 6. (a) For any occupation, the Director may provide by
19 regulation for the employment in that occupation of learners at
20 such wages lower than the minimum wage provided in items (1)
21 and (3) of subsection (a) of Section 4 as the Director may find
22 appropriate to prevent curtailment of opportunities for
23 employment and to safeguard the minimum wage rate of this Act.

24 (b) Where the Director has provided by regulation for the
25 employment of learners, such regulations are subject to

1 provisions hereinafter set forth and to such additional terms
2 and conditions as may be established in supplemental
3 regulations applicable to the employment of learners in
4 particular industries.

5 (c) In any occupation, every employer may pay a subminimum
6 wage to learners during their period of learning. However,
7 under no circumstances, may an employer pay a learner a wage
8 less than 70% of the minimum wage rate provided in item (1) of
9 subsection (a) of Section 4 of this Act for employees 18 years
10 of age or older.

11 (d) No person is deemed a learner in any occupation for
12 which he has completed the required training; and in no case
13 may a person be deemed a learner in that occupation after 6
14 months of such training, except where the Director finds, after
15 investigation, that for the particular occupation a minimum of
16 proficiency cannot be acquired in 6 months.

17 A person described in item (4) of subsection (a) of Section
18 4 may not be deemed a learner under this Act.

19 (Source: P.A. 94-1072, eff. 7-1-07.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.