

HB5057



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5057

Introduced 2/18/2020, by Rep. Brad Halbrook

SYNOPSIS AS INTRODUCED:

820 ILCS 105/4

from Ch. 48, par. 1004

Amends the Minimum Wage Law. Provides that unless an employer is officially recognized by the United States Internal Revenue Service as a tax-exempt organization under a specified Section of the Internal Revenue Code of 1986, then the employer shall, at a minimum, pay at a rate of \$8.25 per hour.

LRB101 16057 KTG 65419 b

A BILL FOR

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 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) (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

1 her employees who is 18 years of age or older in every
2 occupation wages of not less than \$5.50 per hour, and from
3 January 1, 2005 through June 30, 2007 every employer shall pay
4 to each of his or her employees who is 18 years of age or older
5 in every occupation wages of not less than \$6.50 per hour, and
6 from July 1, 2007 through June 30, 2008 every employer shall
7 pay to each of his or her employees who is 18 years of age or
8 older in every occupation wages of not less than \$7.50 per
9 hour, and from July 1, 2008 through June 30, 2009 every
10 employer shall pay to each of his or her employees who is 18
11 years of age or older in every occupation wages of not less
12 than \$7.75 per hour, and from July 1, 2009 through June 30,
13 2010 every employer shall pay to each of his or her employees
14 who is 18 years of age or older in every occupation wages of
15 not less than \$8.00 per hour, and from July 1, 2010 through
16 December 31, 2019 every employer shall pay to each of his or
17 her employees who is 18 years of age or older in every
18 occupation wages of not less than \$8.25 per hour, and from
19 January 1, 2020 through June 30, 2020, every employer shall pay
20 to each of his or her employees who is 18 years of age or older
21 in every occupation wages of not less than \$9.25 per hour, and
22 from July 1, 2020 through December 31, 2020 every employer
23 shall pay to each of his or her employees who is 18 years of age
24 or older in every occupation wages of not less than \$10 per
25 hour, and from January 1, 2021 through December 31, 2021 every
26 employer shall pay to each of his or her employees who is 18

1 years of age or older in every occupation wages of not less
2 than \$11 per hour, and from January 1, 2022 through December
3 31, 2022 every employer shall pay to each of his or her
4 employees who is 18 years of age or older in every occupation
5 wages of not less than \$12 per hour, and from January 1, 2023
6 through December 31, 2023 every employer shall pay to each of
7 his or her employees who is 18 years of age or older in every
8 occupation wages of not less than \$13 per hour, and from
9 January 1, 2024 through December 31, 2024, 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 \$14 per hour;
12 and on and after January 1, 2025, every employer shall pay to
13 each of his or her employees who is 18 years of age or older in
14 every occupation wages of not less than \$15 per hour.

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

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

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

4 (2.5) Unless an employer is officially recognized by the
5 United States Internal Revenue Service as a tax-exempt
6 organization described in Section 501(c)(3) of the Internal
7 Revenue Code of 1986, then the employer shall, at a minimum,
8 pay at a rate of \$8.25 per hour.

9 (3) At no time on or before December 31, 2019 shall the
10 wages paid to any employee under 18 years of age be more than
11 50¢ less than the wage required to be paid to employees who are
12 at least 18 years of age under item (1) of this subsection (a).
13 Beginning on January 1, 2020, every employer shall pay to each
14 of his or her employees who is under 18 years of age that has
15 worked more than 650 hours for the employer during any calendar
16 year a wage not less than the wage required for employees who
17 are 18 years of age or older under paragraph (1) of subsection
18 (a) of Section 4 of this Act. Every employer shall pay to each
19 of his or her employees who is under 18 years of age that has
20 not worked more than 650 hours for the employer during any
21 calendar year: (1) \$8 per hour from January 1, 2020 through
22 December 31, 2020; (2) \$8.50 per hour from January 1, 2021
23 through December 31, 2021; (3) \$9.25 per hour from January 1,
24 2022 through December 31, 2022; (4) \$10.50 per hour from
25 January 1, 2023 through December 31, 2023; (5) \$12 per hour
26 from January 1, 2024 through December 31, 2024; and (6) \$13 per

1 hour on and after January 1, 2025.

2 (b) No employer shall discriminate between employees on the
3 basis of sex or mental or physical disability, except as
4 otherwise provided in this Act by paying wages to employees at
5 a rate less than the rate at which he pays wages to employees
6 for the same or substantially similar work on jobs the
7 performance of which requires equal skill, effort, and
8 responsibility, and which are performed under similar working
9 conditions, except where such payment is made pursuant to (1) a
10 seniority system; (2) a merit system; (3) a system which
11 measures earnings by quantity or quality of production; or (4)
12 a differential based on any other factor other than sex or
13 mental or physical disability, except as otherwise provided in
14 this Act.

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

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

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

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