

SB3988



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3988

Introduced 5/19/2020, by Sen. Donald P. DeWitte - David Koehler

SYNOPSIS AS INTRODUCED:

820 ILCS 105/4

from Ch. 48, par. 1004

Amends the Minimum Wage Law. Provides that the increase in the minimum wage scheduled for July 1, 2020 is delayed until January 1, 2021. Provides that the subsequently scheduled annual increases in the minimum wage are delayed by one year culminating in a minimum wage of \$15 per hour in 2026 rather than 2025. Makes corresponding delays in the minimum wage increases for persons under 18 years of age who do not work more than 650 hours per year. Contains provisions concerning legislative intent. Effective immediately.

LRB101 21195 JLS 71762 b

FISCAL NOTE ACT
MAY APPLY

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 1. Findings; intent.

5 (a) The General Assembly finds that, in an unprecedented
6 crisis caused by the COVID-19 global pandemic, it is important
7 to ease the burden on businesses so that they can afford to
8 rehire employees. The nature of our economy will change
9 dramatically once businesses are allowed to reopen, and it is
10 important that there be some flexibility when rehiring staff in
11 a new environment.

12 (b) The intent of this Act is not to alter the minimum wage
13 amount.

14 Section 5. The Minimum Wage Law is amended by changing
15 Section 4 as follows:

16 (820 ILCS 105/4) (from Ch. 48, par. 1004)

17 Sec. 4. (a)(1) Every employer shall pay to each of his
18 employees in every occupation wages of not less than \$2.30 per
19 hour or in the case of employees under 18 years of age wages of
20 not less than \$1.95 per hour, except as provided in Sections 5
21 and 6 of this Act, and on and after January 1, 1984, every
22 employer shall pay to each of his employees in every occupation

1 wages of not less than \$2.65 per hour or in the case of
2 employees under 18 years of age wages of not less than \$2.25
3 per hour, and on and after October 1, 1984 every employer shall
4 pay to each of his employees in every occupation wages of not
5 less than \$3.00 per hour or in the case of employees under 18
6 years of age wages of not less than \$2.55 per hour, and on or
7 after July 1, 1985 every employer shall pay to each of his
8 employees in every occupation wages of not less than \$3.35 per
9 hour or in the case of employees under 18 years of age wages of
10 not less than \$2.85 per hour, and from January 1, 2004 through
11 December 31, 2004 every employer shall pay to each of his or
12 her employees who is 18 years of age or older in every
13 occupation wages of not less than \$5.50 per hour, and from
14 January 1, 2005 through June 30, 2007 every employer shall pay
15 to each of his or her employees who is 18 years of age or older
16 in every occupation wages of not less than \$6.50 per hour, and
17 from July 1, 2007 through June 30, 2008 every employer shall
18 pay to each of his or her employees who is 18 years of age or
19 older in every occupation wages of not less than \$7.50 per
20 hour, and from July 1, 2008 through June 30, 2009 every
21 employer shall pay to each of his or her employees who is 18
22 years of age or older in every occupation wages of not less
23 than \$7.75 per hour, and from July 1, 2009 through June 30,
24 2010 every employer shall pay to each of his or her employees
25 who is 18 years of age or older in every occupation wages of
26 not less than \$8.00 per hour, and from July 1, 2010 through

1 December 31, 2019 every employer shall pay to each of his or
2 her employees who is 18 years of age or older in every
3 occupation wages of not less than \$8.25 per hour, and from
4 January 1, 2020 through December 31, 2020 ~~June 30, 2020~~, every
5 employer shall pay to each of his or her employees who is 18
6 years of age or older in every occupation wages of not less
7 than \$9.25 per hour, and from January 1, 2021 ~~July 1, 2020~~
8 through December 31, 2021, ~~2020~~ every employer shall pay to
9 each of his or her employees who is 18 years of age or older in
10 every occupation wages of not less than \$10 per hour, and from
11 January 1, 2022 ~~2021~~ through December 31, 2022, ~~2021~~ every
12 employer shall pay to each of his or her employees who is 18
13 years of age or older in every occupation wages of not less
14 than \$11 per hour, and from January 1, 2023 ~~2022~~ through
15 December 31, 2023, ~~2022~~ every employer shall pay to each of his
16 or her employees who is 18 years of age or older in every
17 occupation wages of not less than \$12 per hour, and from
18 January 1, 2024 ~~2023~~ through December 31, 2024, ~~2023~~ every
19 employer shall pay to each of his or her employees who is 18
20 years of age or older in every occupation wages of not less
21 than \$13 per hour, and from January 1, 2025 ~~2024~~ through
22 December 31, 2025 ~~2024~~, every employer shall pay to each of his
23 or her employees who is 18 years of age or older in every
24 occupation wages of not less than \$14 per hour; and on and
25 after January 1, 2026 ~~2025~~, every employer shall pay to each of
26 his or her employees who is 18 years of age or older in every

1 occupation wages of not less than \$15 per hour.

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

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

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

17 (3) At no time on or before December 31, 2019 shall the
18 wages paid to any employee under 18 years of age be more than
19 50¢ less than the wage required to be paid to employees who are
20 at least 18 years of age under item (1) of this subsection (a).
21 Beginning on January 1, 2020, every employer shall pay to each
22 of his or her employees who is under 18 years of age that has
23 worked more than 650 hours for the employer during any calendar
24 year a wage not less than the wage required for employees who
25 are 18 years of age or older under paragraph (1) of subsection
26 (a) of Section 4 of this Act. Every employer shall pay to each

1 of his or her employees who is under 18 years of age that has
2 not worked more than 650 hours for the employer during any
3 calendar year: (1) \$8 per hour from January 1, 2020 through
4 December 31, 2021 ~~2020~~; (2) \$8.50 per hour from January 1, 2022
5 ~~2021~~ through December 31, 2022 ~~2021~~; (3) \$9.25 per hour from
6 January 1, 2023 ~~2022~~ through December 31, 2023 ~~2022~~; (4) \$10.50
7 per hour from January 1, 2024 ~~2023~~ through December 31, 2024
8 ~~2023~~; (5) \$12 per hour from January 1, 2025 ~~2024~~ through
9 December 31, 2025 ~~2024~~; and (6) \$13 per hour on and after
10 January 1, 2026 ~~2025~~.

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

24 (c) Every employer of an employee engaged in an occupation
25 in which gratuities have customarily and usually constituted
26 and have been recognized as part of the remuneration for hire

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

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

21 (e) A camp counselor employed at a day camp is not subject
22 to the adult minimum wage if the camp counselor is paid a
23 stipend on a onetime or periodic basis and, if the camp
24 counselor is a minor, the minor's parent, guardian or other
25 custodian has consented in writing to the terms of payment
26 before the commencement of such employment.

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

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.