

SB2268



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2268

Introduced 2/26/2021, by Sen. Donald P. DeWitte

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 January 1, 2022 is delayed until January 1, 2023. 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.

LRB102 04350 JLS 14368 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
11 in 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

1 occupation wages of not less than \$2.65 per hour or in the case
2 of 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 June 30, 2020, every employer shall
5 pay to each of his or her employees who is 18 years of age or
6 older in every occupation wages of not less than \$9.25 per
7 hour, and from July 1, 2020 through December 31, 2020 every
8 employer shall pay to each of his or her employees who is 18
9 years of age or older in every occupation wages of not less
10 than \$10 per hour, and from January 1, 2021 through December
11 31, 2022 ~~2021~~ every employer shall pay to each of his or her
12 employees who is 18 years of age or older in every occupation
13 wages of not less than \$11 per hour, and from January 1, 2023
14 ~~2022~~ through December 31, 2023 ~~2022~~ 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 \$12 per hour, and
17 from January 1, 2024 ~~2023~~ through December 31, 2024 ~~2023~~ every
18 employer shall pay to each of his or her employees who is 18
19 years of age or older in every occupation wages of not less
20 than \$13 per hour, and from January 1, 2025 ~~2024~~ through
21 December 31, 2025 ~~2024~~, every employer shall pay to each of his
22 or her employees who is 18 years of age or older in every
23 occupation wages of not less than \$14 per hour; and on and
24 after January 1, 2026 ~~2025~~, every employer shall pay to each of
25 his or her employees who is 18 years of age or older in every
26 occupation wages of not less than \$15 per hour.

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

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

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

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

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

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

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

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

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