

HB3852



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3852

Introduced 2/17/2023, by Rep. Cyril Nichols

SYNOPSIS AS INTRODUCED:

820 ILCS 105/4

from Ch. 48, par. 1004

Amends the Minimum Wage Law. Provides that an employer shall pay to each of his or her employees working as a lifeguards occupation wages of not less than \$22.50 an hour, regardless of the age of the employee.

LRB103 26799 SPS 53163 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 1. Findings. There is a shortage of lifeguards in
5 the State of Illinois. In order to recruit and retain more
6 lifeguards, who play a vital public safety role in our
7 communities, we must ensure that the wages for lifeguards are
8 high enough to attract quality candidates into the field.

9 Section 5. The Minimum Wage Law is amended by changing
10 Section 4 as follows:

11 (820 ILCS 105/4) (from Ch. 48, par. 1004)

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

1 years of age wages of not less than \$2.55 per hour, and on or
2 after July 1, 1985 every employer shall pay to each of his
3 employees in every occupation wages of not less than \$3.35 per
4 hour or in the case of employees under 18 years of age wages of
5 not less than \$2.85 per hour, and from January 1, 2004 through
6 December 31, 2004 every employer shall pay to each of his or
7 her employees who is 18 years of age or older in every
8 occupation wages of not less than \$5.50 per hour, and from
9 January 1, 2005 through June 30, 2007 every employer shall pay
10 to each of his or her employees who is 18 years of age or older
11 in every occupation wages of not less than \$6.50 per hour, and
12 from July 1, 2007 through June 30, 2008 every employer shall
13 pay to each of his or her employees who is 18 years of age or
14 older in every occupation wages of not less than \$7.50 per
15 hour, and from July 1, 2008 through June 30, 2009 every
16 employer shall pay to each of his or her employees who is 18
17 years of age or older in every occupation wages of not less
18 than \$7.75 per hour, and from July 1, 2009 through June 30,
19 2010 every employer shall pay to each of his or her employees
20 who is 18 years of age or older in every occupation wages of
21 not less than \$8.00 per hour, and from July 1, 2010 through
22 December 31, 2019 every employer shall pay to each of his or
23 her employees who is 18 years of age or older in every
24 occupation wages of not less than \$8.25 per hour, and from
25 January 1, 2020 through June 30, 2020, every employer shall
26 pay to each of his or her employees who is 18 years of age or

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

22 (2) Unless an employee's wages are reduced under Section
23 6, 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
3 pay 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
6 5 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.

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

1 from January 1, 2023 through December 31, 2023; (5) \$12 per
2 hour from January 1, 2024 through December 31, 2024; and (6)
3 \$13 per hour on and after January 1, 2025.

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

17 (c) Every employer of an employee engaged in an occupation
18 in which gratuities have customarily and usually constituted
19 and have been recognized as part of the remuneration for hire
20 purposes is entitled to an allowance for gratuities as part of
21 the hourly wage rate provided in Section 4, subsection (a) in
22 an amount not to exceed 40% of the applicable minimum wage
23 rate. The Director shall require each employer desiring an
24 allowance for gratuities to provide substantial evidence that
25 the amount claimed, which may not exceed 40% of the applicable
26 minimum wage rate, was received by the employee in the period

1 for which the claim of exemption is made, and no part thereof
2 was returned to the employer.

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

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

21 (f) An employer shall pay to each of his or her employees
22 working as a lifeguards occupation wages of not less than
23 \$22.50 an hour, regardless of the age of the employee.

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