

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. If and only if Senate Bill 1268 of the 94th
5 General Assembly becomes law as that bill was amended by House
6 Amendment No. 3, the Minimum Wage Law is amended by changing
7 Section 4 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
23 hour or in the case of employees under 18 years of age wages of
24 not less than \$2.85 per hour, and from January 1, 2004 through
25 December 31, 2004 every employer shall pay to each of his or
26 her employees who is 18 years of age or older in every
27 occupation wages of not less than \$5.50 per hour, and from
28 January 1, 2005 through June 30, 2007 every employer shall pay
29 to each of his or her employees who is 18 years of age or older
30 in every occupation wages of not less than \$6.50 per hour, and
31 from July 1, 2007 through June 30, 2008 every employer shall
32 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 \$7.50 per
2 hour, and from July 1, 2008 through June 30, 2009 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 \$7.75 per hour, and from July 1, 2009 through June 30,
6 2010 every employer shall pay to each of his or her employees
7 who is 18 years of age or older in every occupation wages of
8 not less than \$8.00 per hour, and on and after July 1, 2010
9 every employer shall pay to each of his or her employees who is
10 18 years of age or older in every occupation wages of not less
11 than \$8.25 per hour.

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

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

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

27 (3) At no time shall the wages paid to any employee under
28 18 years of age be more than 50¢ less than the wage required to
29 be paid to employees who are at least 18 years of age under
30 item (1) of this subsection (a).

31 (b) No employer shall discriminate between employees on the
32 basis of sex or mental or physical handicap, except as
33 otherwise provided in this Act by paying wages to employees at
34 a rate less than the rate at which he pays wages to employees
35 for the same or substantially similar work on jobs the
36 performance of which requires equal skill, effort, and

1 responsibility, and which are performed under similar working
2 conditions, except where such payment is made pursuant to (1) a
3 seniority system; (2) a merit system; (3) a system which
4 measures earnings by quantity or quality of production; or (4)
5 a differential based on any other factor other than sex or
6 mental or physical handicap, except as otherwise provided in
7 this Act.

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

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

31 (e) A camp counselor employed at a day camp of an organized
32 not-for-profit corporation is not subject to the adult minimum
33 wage if the camp counselor is paid a stipend on a onetime or
34 periodic basis and, if the camp counselor is a minor, the
35 minor's parent, guardian or other custodian has consented in
36 writing to the terms of payment before the commencement of such

1 employment.

2 (Source: P.A. 93-581, eff. 1-1-04; 94SB1268ham003.)

3 Section 99. Effective date. This Act takes effect July 1,

4 2007.