



Sen. William Delgado

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LRB094 10273 WGH 60962 a

1 AMENDMENT TO HOUSE BILL 3752

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3752 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Minimum Wage Law is amended by changing  
5 Sections 4 and 6 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  
24 her employees who is 18 years of age or older in every

1 occupation wages of not less than \$5.50 per hour, and from  
2 January 1, 2005 through June 30, 2007 every employer shall pay  
3 to each of his or her employees who is 18 years of age or older  
4 in every occupation wages of not less than \$6.50 per hour, and  
5 from July 1, 2007 through June 30, 2008 every employer shall  
6 pay to each of his or her employees ~~who is 18 years of age or~~  
7 ~~older~~ in every occupation wages of not less than \$7.50 per  
8 hour, and from July 1, 2008 through June 30, 2009 every  
9 employer shall pay to each of his or her employees ~~who is 18~~  
10 ~~years of age or older~~ in every occupation wages of not less  
11 than \$7.75 per hour, and from July 1, 2009 through June 30,  
12 2010 every employer shall pay to each of his or her employees  
13 ~~who is 18 years of age or older~~ in every occupation wages of  
14 not less than \$8.00 per hour, and on and after July 1, 2010  
15 every employer shall pay to each of his or her employees ~~who is~~  
16 ~~18 years of age or older~~ in every occupation wages of not less  
17 than \$8.25 per hour.

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

27 (A) a day or temporary laborer, as defined in Section 5  
28 of the Day and Temporary Labor Services Act; and

29 (B) an employee whose employment is occasional or  
30 irregular and requires not more than 90 days to complete.

31 (3) (Blank) ~~At no time shall the wages paid to any employee~~  
32 ~~under 18 years of age be more than 50¢ less than the wage~~  
33 ~~required to be paid to employees who are at least 18 years of~~  
34 ~~age under item (1) of this subsection (a).~~

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

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

26 (d) No camp counselor who resides on the premises of a  
27 seasonal camp of an organized not-for-profit corporation shall  
28 be subject to the adult minimum wage if the camp counselor (1)  
29 works 40 or more hours per week, and (2) receives a total  
30 weekly salary of not less than the adult minimum wage for a  
31 40-hour week. If the counselor works less than 40 hours per  
32 week, the counselor shall be paid the minimum hourly wage for  
33 each hour worked. Every employer of a camp counselor under this  
34 subsection is entitled to an allowance for meals and lodging as

1 part of the hourly wage rate provided in Section 4, subsection  
2 (a), in an amount not to exceed 25% of the minimum wage rate.

3 (e) A camp counselor employed at a day camp of an organized  
4 not-for-profit corporation is not subject to the adult minimum  
5 wage if the camp counselor is paid a stipend on a onetime or  
6 periodic basis and, if the camp counselor is a minor, the  
7 minor's parent, guardian or other custodian has consented in  
8 writing to the terms of payment before the commencement of such  
9 employment.

10 (Source: P.A. 93-581, eff. 1-1-04; 94-1072, eff. 7-1-07.)

11 (820 ILCS 105/6) (from Ch. 48, par. 1006)

12 Sec. 6. (a) For any occupation, the Director may provide by  
13 regulation for the employment in that occupation of learners at  
14 such wages lower than the minimum wage provided in items (1)  
15 and (3) of subsection (a) of Section 4 as the Director may find  
16 appropriate to prevent curtailment of opportunities for  
17 employment and to safeguard the minimum wage rate of this Act.

18 (b) Where the Director has provided by regulation for the  
19 employment of learners, such regulations are subject to  
20 provisions hereinafter set forth and to such additional terms  
21 and conditions as may be established in supplemental  
22 regulations applicable to the employment of learners in  
23 particular industries.

24 (c) In any occupation, every employer may pay a subminimum  
25 wage to learners during their period of learning. However,  
26 under no circumstances, may an employer pay a learner a wage  
27 less than 70% of the minimum wage rate provided in item (1) of  
28 subsection (a) of Section 4 of this Act ~~for employees 18 years~~  
29 ~~of age or older.~~

30 (d) No person is deemed a learner in any occupation for  
31 which he has completed the required training; and in no case  
32 may a person be deemed a learner in that occupation after 6  
33 months of such training, except where the Director finds, after

1 investigation, that for the particular occupation a minimum of  
2 proficiency cannot be acquired in 6 months.

3 (Source: P.A. 94-1072, eff. 7-1-07.)

4 Section 99. Effective date. This Act takes effect July 1,  
5 2007.".