



Sen. Emil Jones Jr.

Filed: 11/14/2006

09400SB1275sam001

LRB094 04924 WGH 60417 a

1 AMENDMENT TO SENATE BILL 1275

2 AMENDMENT NO. _____. Amend Senate Bill 1275 by replacing
3 everything after the enacting clause with the following:

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

6 (820 ILCS 105/4) (from Ch. 48, par. 1004)

7 Sec. 4. (a) 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 ~~on~~
2 ~~and after~~ January 1, 2005 through June 30, 2007 every employer
3 shall pay to each of his or her employees who is 18 years of age
4 or older in every occupation wages of not less than \$6.50 per
5 hour, and from July 1, 2007 through December 31, 2007 every
6 employer shall pay to each of his or her employees in every
7 occupation wages of not less than \$7.50 per hour.

8 Beginning on January 1, 2008, every employer shall pay each
9 of his or her employees at a rate of not less than the
10 then-current adjusted minimum wage rate established under this
11 subsection (a) or the federal minimum hourly wage prescribed by
12 Section 206(a)(1) of Title 29 of the United States Code,
13 whichever is higher.

14 On September 30, 2007, and on each following September
15 30th, the Department of Labor shall calculate an adjusted
16 minimum wage rate to maintain employee purchasing power by
17 increasing the then-current minimum wage rate by the rate of
18 inflation. The adjusted minimum wage rate shall be calculated
19 to the nearest 5-cent increment using the consumer price index
20 for urban wage earners and clerical workers, CPI-W, or a
21 successor index, for the 12 months prior to September 1st of
22 the then-current year as calculated by the United States
23 Department of Labor. Each adjusted minimum wage rate calculated
24 under this subsection (a) takes effect on the following January
25 1st, with the first adjusted minimum wage rate to take effect
26 on January 1, 2008.

27 ~~At no time shall the wages paid to any employee under 18~~
28 ~~years of age be more than 50¢ less than the wage required to be~~
29 ~~paid to employees who are at least 18 years of age.~~

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

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

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

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

32 (e) A camp counselor employed at a day camp of an organized
33 not-for-profit corporation is not subject to the adult minimum
34 wage if the camp counselor is paid a stipend on a onetime or

1 periodic basis and, if the camp counselor is a minor, the
2 minor's parent, guardian or other custodian has consented in
3 writing to the terms of payment before the commencement of such
4 employment.

5 (Source: P.A. 93-581, eff. 1-1-04.)

6 Section 99. Effective date. This Act takes effect July 1,
7 2007.".