



## 95TH GENERAL ASSEMBLY

### State of Illinois

### 2007 and 2008

#### HB0542

Introduced 2/1/2007, by Rep. Cynthia Soto

#### SYNOPSIS AS INTRODUCED:

820 ILCS 105/4  
820 ILCS 105/6

from Ch. 48, par. 1004  
from Ch. 48, par. 1006

Amends the Minimum Wage Law. Deletes language providing that an employee under 18 years of age may be paid up to 50¢ less than the wage required to be paid to employees who are at least 18 years of age. In provisions allowing an employer to pay an employee during the first 90 days of employment a wage that is not more than 50¢ less than the minimum wage, adds language requiring an employer to pay not less than the full minimum wage to a day or temporary laborer who is 18 years of age or older and to an employee who is 18 years of age or older and whose employment is occasional or irregular and requires not more than 90 days to complete. Effective July 1, 2007.

LRB095 07716 WGH 27872 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

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. 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

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

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

1 subsection (a) to:-

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

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

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

10 (b) No employer shall discriminate between employees on the  
11 basis of sex or mental or physical handicap, 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) a  
18 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 handicap, 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 this  
17 subsection is entitled to an allowance for meals and lodging as  
18 part of the hourly wage rate provided in Section 4, subsection  
19 (a), in an amount not to exceed 25% of the minimum wage rate.

20 (e) A camp counselor employed at a day camp of an organized  
21 not-for-profit corporation is not subject to the adult minimum  
22 wage if the camp counselor is paid a stipend on a onetime or  
23 periodic basis and, if the camp counselor is a minor, the  
24 minor's parent, guardian or other custodian has consented in  
25 writing to the terms of payment before the commencement of such  
26 employment.

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

2 (820 ILCS 105/6) (from Ch. 48, par. 1006)

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

9 (b) Where the Director has provided by regulation for the  
10 employment of learners, such regulations are subject to  
11 provisions hereinafter set forth and to such additional terms  
12 and conditions as may be established in supplemental  
13 regulations applicable to the employment of learners in  
14 particular industries.

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

21 (d) No person is deemed a learner in any occupation for  
22 which he has completed the required training; and in no case  
23 may a person be deemed a learner in that occupation after 6  
24 months of such training, except where the Director finds, after  
25 investigation, that for the particular occupation a minimum of

1 proficiency cannot be acquired in 6 months.

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

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