

# HB4583



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

**HB4583**

by Rep. Kathleen A. Ryg

#### SYNOPSIS AS INTRODUCED:

820 ILCS 105/4

from Ch. 48, par. 1004

Amends the Minimum Wage Law. In language providing that a day camp counselor is not subject to the adult minimum wage if specified requirements are met, deletes a phrase that limited the scope of the language to day camps of organized not-for-profit corporations.

LRB095 16440 WGH 42465 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 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) (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, who is 18  
4 years of age or older; and

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

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

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

25 (c) Every employer of an employee engaged in an occupation  
26 in which gratuities have customarily and usually constituted

1 and have been recognized as part of the remuneration for hire  
2 purposes is entitled to an allowance for gratuities as part of  
3 the hourly wage rate provided in Section 4, subsection (a) in  
4 an amount not to exceed 40% of the applicable minimum wage  
5 rate. The Director shall require each employer desiring an  
6 allowance for gratuities to provide substantial evidence that  
7 the amount claimed, which may not exceed 40% of the applicable  
8 minimum wage rate, was received by the employee in the period  
9 for which the claim of exemption is made, and no part thereof  
10 was returned to the employer.

11 (d) No camp counselor who resides on the premises of a  
12 seasonal camp of an organized not-for-profit corporation shall  
13 be subject to the adult minimum wage if the camp counselor (1)  
14 works 40 or more hours per week, and (2) receives a total  
15 weekly salary of not less than the adult minimum wage for a  
16 40-hour week. If the counselor works less than 40 hours per  
17 week, the counselor shall be paid the minimum hourly wage for  
18 each hour worked. Every employer of a camp counselor under this  
19 subsection is entitled to an allowance for meals and lodging as  
20 part of the hourly wage rate provided in Section 4, subsection  
21 (a), in an amount not to exceed 25% of the minimum wage rate.

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

1 writing to the terms of payment before the commencement of such  
2 employment.

3 (Source: P.A. 93-581, eff. 1-1-04; 94-1072, eff. 7-1-07;  
4 94-1102, eff. 7-1-07.)