

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.)