

# HB3732



## 98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3732

by Rep. Mary E. Flowers

### SYNOPSIS AS INTRODUCED:

820 ILCS 105/4

from Ch. 48, par. 1004

Amends the Minimum Wage Law. Increases the minimum wage to \$15 per hour on October 1, 2014. Effective immediately.

LRB098 14600 OMW 49391 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

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 from ~~on and after~~ July 1,  
16 2010 through September 30, 2014 every employer shall pay to  
17 each of his or her employees who is 18 years of age or older in  
18 every occupation wages of not less than \$8.25 per hour, and on  
19 and after October 1, 2014 every employer shall pay to each of  
20 his or her employees who is 18 years of age or older in every  
21 occupation wages of not less than \$15 per hour.

22 (2) Unless an employee's wages are reduced under Section 6,  
23 then in lieu of the rate prescribed in item (1) of this  
24 subsection (a), an employer may pay an employee who is 18 years  
25 of age or older, during the first 90 consecutive calendar days  
26 after the employee is initially employed by the employer, a

1 wage that is not more than 50¢ less than the wage prescribed in  
2 item (1) of this subsection (a); however, an employer shall pay  
3 not less than the rate prescribed in item (1) of this  
4 subsection (a) to:

5 (A) a day or temporary laborer, as defined in Section 5  
6 of the Day and Temporary Labor Services Act, who is 18  
7 years of age or older; and

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

11 (3) At no time shall the wages paid to any employee under  
12 18 years of age be more than 50¢ less than the wage required to  
13 be paid to employees who are at least 18 years of age under  
14 item (1) of this subsection (a).

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

1 this Act.

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

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

25 (e) A camp counselor employed at a day camp is not subject  
26 to the adult minimum wage if the camp counselor is paid a

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

5 (Source: P.A. 94-1072, eff. 7-1-07; 94-1102, eff. 7-1-07;  
6 95-945, eff. 1-1-09.)

7 Section 99. Effective date. This Act takes effect upon  
8 becoming law.