

SB2552



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB2552

Introduced 2/16/2016, by Sen. Jim Oberweis

SYNOPSIS AS INTRODUCED:

820 ILCS 105/4

from Ch. 48, par. 1004

Amends the Minimum Wage Law. Increases the minimum wage for workers who are 26 years of age or older to \$9 per hour in 2017, \$9.50 per hour in 2018, and \$10 per hour in 2019. Makes corresponding changes in the Act. Provides that a municipality may not establish a minimum wage in an amount greater than the minimum wage established under the Minimum Wage Law and preempts home rule.

LRB099 20192 JLS 44648 b

FISCAL NOTE ACT
MAY APPLY

HOME RULE 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) Through December 31, 2016 ~~Every employer~~
8 ~~shall pay to each of his employees in every occupation wages of~~
9 ~~not less than \$2.30 per hour or in the case of employees under~~
10 ~~18 years of age wages of not less than \$1.95 per hour, except~~
11 ~~as provided in Sections 5 and 6 of this Act, and on and after~~
12 ~~January 1, 1984, every employer shall pay to each of his~~
13 ~~employees in every occupation wages of not less than \$2.65 per~~
14 ~~hour or in the case of employees under 18 years of age wages of~~
15 ~~not less than \$2.25 per hour, and on and after October 1, 1984~~
16 ~~every employer shall pay to each of his employees in every~~
17 ~~occupation wages of not less than \$3.00 per hour or in the case~~
18 ~~of employees under 18 years of age wages of not less than \$2.55~~
19 ~~per hour, and on or after July 1, 1985 every employer shall pay~~
20 ~~to each of his employees in every occupation wages of not less~~
21 ~~than \$3.35 per hour or in the case of employees under 18 years~~
22 ~~of age wages of not less than \$2.85 per hour, and from January~~
23 ~~1, 2004 through December 31, 2004 every employer shall pay to~~

1 ~~each of his or her employees who is 18 years of age or older in~~
2 ~~every occupation wages of not less than \$5.50 per hour, and~~
3 ~~from January 1, 2005 through June 30, 2007 every employer shall~~
4 ~~pay to each of his or her employees who is 18 years of age or~~
5 ~~elder in every occupation wages of not less than \$6.50 per~~
6 ~~hour, and from July 1, 2007 through June 30, 2008 every~~
7 ~~employer shall pay to each of his or her employees who is 18~~
8 ~~years of age or older in every occupation wages of not less~~
9 ~~than \$7.50 per hour, and from July 1, 2008 through June 30,~~
10 ~~2009 every employer shall pay to each of his or her employees~~
11 ~~who is 18 years of age or older in every occupation wages of~~
12 ~~not less than \$7.75 per hour, and from July 1, 2009 through~~
13 ~~June 30, 2010 every employer shall pay to each of his or her~~
14 ~~employees who is 18 years of age or older in every occupation~~
15 ~~wages of not less than \$8.00 per hour, and on and after July 1,~~
16 ~~2010 every employer shall pay to each of his or her employees~~
17 ~~who is 18 years of age or older in every occupation wages of~~
18 ~~not less than \$8.25 per hour, and on and after January 1, 2017~~
19 every employer shall pay to each of his or her employees who is
20 at least 18 years of age but under 26 years of age in every
21 occupation wages of not less than \$8.25 per hour, and from
22 January 1, 2017 through December 31, 2017 every employer shall
23 pay to each of his or her employees who is 26 years of age or
24 older in every occupation wages of not less than \$9 per hour,
25 and from January 1, 2018 through December 31, 2018 every
26 employer shall pay to each of his or her employees who is 26

1 years of age or older in every occupation wages of not less
2 than \$9.50 per hour, and on and after January 1, 2019 every
3 employer shall pay to each of his or her employees who is 26
4 years of age or older in every occupation wages of not less
5 than \$10 per hour.

6 (2) Unless an employee's wages are reduced under Section 6,
7 then in lieu of the rate prescribed in item (1) of this
8 subsection (a), an employer may pay an employee who is 18 years
9 of age or older, during the first 90 consecutive calendar days
10 after the employee is initially employed by the employer, a
11 wage that is not more than 50¢ less than the wage prescribed in
12 item (1) of this subsection (a); however, an employer shall pay
13 not less than the rate prescribed in item (1) of this
14 subsection (a) to:

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

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

21 (3) At no time shall the wages paid to any employee under
22 18 years of age be more than 50¢ less than the wage required to
23 be paid to employees who are at least 18 years of age but under
24 26 years of age under item (1) of this subsection (a).

25 (b) No employer shall discriminate between employees on the
26 basis of sex or mental or physical disability, except as

1 otherwise provided in this Act by paying wages to employees at
2 a rate less than the rate at which he pays wages to employees
3 for the same or substantially similar work on jobs the
4 performance of which requires equal skill, effort, and
5 responsibility, and which are performed under similar working
6 conditions, except where such payment is made pursuant to (1) a
7 seniority system; (2) a merit system; (3) a system which
8 measures earnings by quantity or quality of production; or (4)
9 a differential based on any other factor other than sex or
10 mental or physical disability, except as otherwise provided in
11 this Act.

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

24 (d) No camp counselor who resides on the premises of a
25 seasonal camp of an organized not-for-profit corporation shall
26 be subject to the adult minimum wage if the camp counselor (1)

1 works 40 or more hours per week, and (2) receives a total
2 weekly salary of not less than the adult minimum wage for a
3 40-hour week. If the counselor works less than 40 hours per
4 week, the counselor shall be paid the minimum hourly wage for
5 each hour worked. Every employer of a camp counselor under this
6 subsection is entitled to an allowance for meals and lodging as
7 part of the hourly wage rate provided in Section 4, subsection
8 (a), in an amount not to exceed 25% of the minimum wage rate.

9 (e) A camp counselor employed at a day camp is not subject
10 to the adult minimum wage if the camp counselor is paid a
11 stipend on a onetime or periodic basis and, if the camp
12 counselor is a minor, the minor's parent, guardian or other
13 custodian has consented in writing to the terms of payment
14 before the commencement of such employment.

15 (f) A municipality, including a home rule municipality, may
16 not establish a minimum wage in an amount in excess of the
17 minimum wage established under this Section. This Section is a
18 denial and limitation of home rule powers and functions under
19 subsection (g) of Article VII of the Illinois Constitution.

20 (Source: P.A. 99-143, eff. 7-27-15.)