



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3405

by Rep. Karina Villa

SYNOPSIS AS INTRODUCED:

820 ILCS 115/4.1 new

Amends the Illinois Wage Payment and Collection Act. Provides that gratuities to employees are the property of the employees and may not be retained by an employer. Provides that an employer's retention of gratuities is an underpayment of wages for purposes of the Act. Provides that the new provisions do not prohibit tip pooling as permitted by law. Provides that the new provisions do not affect an employer's entitlement to an allowance for gratuities to the extent permitted under the Minimum Wage Law.

LRB101 08167 JLS 53233 b

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 Illinois Wage Payment and Collection Act is
5 amended by adding Section 4.1 as follows:

6 (820 ILCS 115/4.1 new)

7 Sec. 4.1. Gratuities. Gratuities to employees are the
8 property of the employees and may not be retained by an
9 employer. An employer's retention of gratuities is an
10 underpayment of wages for purposes of this Act.

11 This Section does not prohibit tip pooling as permitted by
12 law. This Section does not affect an employer's entitlement to
13 an allowance for gratuities to the extent permitted under
14 subsection (c) of Section 4 of the Minimum Wage Law.