



Rep. Karina Villa

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10100HB3405ham001

LRB101 08167 JLS 59324 a

1 AMENDMENT TO HOUSE BILL 3405

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3405 by replacing  
3 everything after the enacting clause with the following:

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.

8 (a) Gratuities to employees are the property of the  
9 employees and employers shall not keep gratuities. Failure to  
10 pay gratuities owed to an employee more than 13 days after the  
11 end of the pay period in which such gratuities were earned  
12 constitutes a violation of this Act.

13 (b) This Section does not prohibit an employer from  
14 withholding from gratuities paid by credit card a proportionate  
15 amount of any credit card processing fees that the employer  
16 must pay in connection with the transaction, provided that the

1 amount withheld does not exceed the proportion of the amount of  
2 the tip to the amount of the overall bill, regardless of  
3 whether the overall bill was paid using a credit card. This  
4 Section does not prohibit tip pooling as permitted by law. This  
5 Section does not affect an employer's entitlement to an  
6 allowance for gratuities to the extent permitted under  
7 subsection (c) of Section 4 of the Minimum Wage Law."