

HB0353



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB0353

Introduced 1/29/2021, 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 \$20 per hour for essential workers for the duration of the COVID-19 public health emergency. Effective immediately.

LRB102 03797 KTG 13810 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) Except as provided in paragraph (4), every
8 ~~Every~~ employer shall pay to each of his employees in every
9 occupation wages of not less than \$2.30 per hour or in the case
10 of employees under 18 years of age wages of not less than \$1.95
11 per hour, except as provided in Sections 5 and 6 of this Act,
12 and on and after January 1, 1984, every employer shall pay to
13 each of his employees in every occupation wages of not less
14 than \$2.65 per hour or in the case of employees under 18 years
15 of age wages of not less than \$2.25 per hour, and on and after
16 October 1, 1984 every employer shall pay to each of his
17 employees in every occupation wages of not less than \$3.00 per
18 hour or in the case of employees under 18 years of age wages of
19 not less than \$2.55 per hour, and on or after July 1, 1985
20 every employer shall pay to each of his employees in every
21 occupation wages of not less than \$3.35 per hour or in the case
22 of employees under 18 years of age wages of not less than \$2.85
23 per hour, and from January 1, 2004 through December 31, 2004

1 every employer shall pay to each of his or her employees who is
2 18 years of age or older in every occupation wages of not less
3 than \$5.50 per hour, and from January 1, 2005 through June 30,
4 2007 every employer shall pay to each of his or her employees
5 who is 18 years of age or older in every occupation wages of
6 not less than \$6.50 per hour, and from July 1, 2007 through
7 June 30, 2008 every employer shall pay to each of his or her
8 employees who is 18 years of age or older in every occupation
9 wages of not less than \$7.50 per hour, and from July 1, 2008
10 through June 30, 2009 every employer shall pay to each of his
11 or her employees who is 18 years of age or older in every
12 occupation wages of not less than \$7.75 per hour, and from July
13 1, 2009 through June 30, 2010 every employer shall pay to each
14 of his or her employees who is 18 years of age or older in
15 every occupation wages of not less than \$8.00 per hour, and
16 from July 1, 2010 through December 31, 2019 every employer
17 shall pay to each of his or her employees who is 18 years of
18 age or older in every occupation wages of not less than \$8.25
19 per hour, and from January 1, 2020 through June 30, 2020, every
20 employer shall pay to each of his or her employees who is 18
21 years of age or older in every occupation wages of not less
22 than \$9.25 per hour, and from July 1, 2020 through December 31,
23 2020 every employer shall pay to each of his or her employees
24 who is 18 years of age or older in every occupation wages of
25 not less than \$10 per hour, and from January 1, 2021 through
26 December 31, 2021 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 \$11 per hour, and from
3 January 1, 2022 through December 31, 2022 every employer shall
4 pay to each of his or her employees who is 18 years of age or
5 older in every occupation wages of not less than \$12 per hour,
6 and from January 1, 2023 through December 31, 2023 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 \$13 per hour, and from January 1, 2024 through December
10 31, 2024, every employer shall pay to each of his or her
11 employees who is 18 years of age or older in every occupation
12 wages of not less than \$14 per hour; and on and after January
13 1, 2025, 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 \$15 per hour.

16 (2) Unless an employee's wages are reduced under Section
17 6, then in lieu of the rate prescribed in item (1) of this
18 subsection (a), an employer may pay an employee who is 18 years
19 of age or older, during the first 90 consecutive calendar days
20 after the employee is initially employed by the employer, a
21 wage that is not more than 50¢ less than the wage prescribed in
22 item (1) of this subsection (a); however, an employer shall
23 pay not less than the rate prescribed in item (1) of this
24 subsection (a) to:

25 (A) a day or temporary laborer, as defined in Section
26 5 of the Day and Temporary Labor Services Act, who is 18

1 years of age or older; and

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

5 (3) At no time on or before December 31, 2019 shall the
6 wages paid to any employee under 18 years of age be more than
7 50¢ less than the wage required to be paid to employees who are
8 at least 18 years of age under item (1) of this subsection (a).
9 Beginning on January 1, 2020, every employer shall pay to each
10 of his or her employees who is under 18 years of age that has
11 worked more than 650 hours for the employer during any
12 calendar year a wage not less than the wage required for
13 employees who are 18 years of age or older under paragraph (1)
14 of subsection (a) of Section 4 of this Act or, if applicable, a
15 wage not less than the wage required for essential workers
16 under paragraph (4). Except as provided in paragraph (4),
17 every ~~Every~~ employer shall pay to each of his or her
18 employees who is under 18 years of age that has not worked more
19 than 650 hours for the employer during any calendar year: (1)
20 \$8 per hour from January 1, 2020 through December 31, 2020; (2)
21 \$8.50 per hour from January 1, 2021 through December 31, 2021;
22 (3) \$9.25 per hour from January 1, 2022 through December 31,
23 2022; (4) \$10.50 per hour from January 1, 2023 through
24 December 31, 2023; (5) \$12 per hour from January 1, 2024
25 through December 31, 2024; and (6) \$13 per hour on and after
26 January 1, 2025.

1 (4) Beginning on the effective date of this amendatory Act
2 of the 102nd General Assembly, every employer shall pay to
3 each of his or her employees who is an essential worker wages
4 of not less than \$20 per hour for the duration of the COVID-19
5 public health emergency. For purposes of this paragraph,
6 essential workers are those workers outlined in Executive
7 Order No. 2020-10 issued on March 20, 2020.

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

21 (c) Every employer of an employee engaged in an occupation
22 in which gratuities have customarily and usually constituted
23 and have been recognized as part of the remuneration for hire
24 purposes is entitled to an allowance for gratuities as part of
25 the hourly wage rate provided in Section 4, subsection (a) in
26 an amount not to exceed 40% of the applicable minimum wage

1 rate. The Director shall require each employer desiring an
2 allowance for gratuities to provide substantial evidence that
3 the amount claimed, which may not exceed 40% of the applicable
4 minimum wage rate, was received by the employee in the period
5 for which the claim of exemption is made, and no part thereof
6 was returned to the employer.

7 (d) No camp counselor who resides on the premises of a
8 seasonal camp of an organized not-for-profit corporation shall
9 be subject to the adult minimum wage if the camp counselor (1)
10 works 40 or more hours per week, and (2) receives a total
11 weekly salary of not less than the adult minimum wage for a
12 40-hour week. If the counselor works less than 40 hours per
13 week, the counselor shall be paid the minimum hourly wage for
14 each hour worked. Every employer of a camp counselor under
15 this subsection is entitled to an allowance for meals and
16 lodging as part of the hourly wage rate provided in Section 4,
17 subsection (a), in an amount not to exceed 25% of the minimum
18 wage rate.

19 (e) A camp counselor employed at a day camp is not subject
20 to the adult minimum wage if the camp counselor is paid a
21 stipend on a onetime or periodic basis and, if the camp
22 counselor is a minor, the minor's parent, guardian or other
23 custodian has consented in writing to the terms of payment
24 before the commencement of such employment.

25 (Source: P.A. 101-1, eff. 2-19-19.)

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.