

# HB3677



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

**HB3677**

Introduced 2/22/2021, by Rep. Dan Caulkins

#### SYNOPSIS AS INTRODUCED:

820 ILCS 105/4

from Ch. 48, par. 1004

Amends the Minimum Wage Law. Delays the implementation of annual minimum wage increases in counties with a population of less than 1,000,000 inhabitants. Provides that in those counties the minimum wage will be \$11 per hour until December 31, 2024. Provides for annual increase of \$1 per hour in the minimum wage in those counties culminating in a minimum wage of \$15 per hour beginning in January 2028.

LRB102 12489 JLS 17826 b

FISCAL NOTE ACT  
MAY APPLY

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  
13 occupation wages of not less than \$2.65 per hour or in the case  
14 of 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 July 1, 2010 through  
16 December 31, 2019 every employer shall pay to each of his or  
17 her employees who is 18 years of age or older in every  
18 occupation wages of not less than \$8.25 per hour, and from  
19 January 1, 2020 through June 30, 2020, every employer shall  
20 pay to each of his or her employees who is 18 years of age or  
21 older in every occupation wages of not less than \$9.25 per  
22 hour, and from July 1, 2020 through December 31, 2020 every  
23 employer shall pay to each of his or her employees who is 18  
24 years of age or older in every occupation wages of not less  
25 than \$10 per hour, and from January 1, 2021 through December  
26 31, 2021 every employer shall pay to each of his or her

1 employees who is 18 years of age or older in every occupation  
2 wages of not less than \$11 per hour, and from January 1, 2022  
3 through December 31, 2022 every in counties with a population  
4 of 1,000,000 or more inhabitants employer shall pay to each of  
5 his or her employees who is 18 years of age or older in every  
6 occupation wages of not less than \$12 per hour, and from  
7 January 1, 2023 through December 31, 2023 in counties with a  
8 population of 1,000,000 or more inhabitants every employer  
9 shall pay to each of his or her employees who is 18 years of  
10 age or older in every occupation wages of not less than \$13 per  
11 hour, and from January 1, 2024 through December 31, 2024,  
12 every employer in counties with a population of 1,000,000 or  
13 more inhabitants shall pay to each of his or her employees who  
14 is 18 years of age or older in every occupation wages of not  
15 less than \$14 per hour; and on and after January 1, 2025, every  
16 employer in counties with a population of 1,000,000 or more  
17 inhabitants shall pay to each of his or her employees who is 18  
18 years of age or older in every occupation wages of not less  
19 than \$15 per hour. From January 1, 2022 through December 31,  
20 2024, every employer in counties with a population of less  
21 than 1,000,000 inhabitants shall pay to each of his or her  
22 employees who is 18 years of age or older in every occupation  
23 wages of not less than \$11 per hour, and from January 1, 2025  
24 through December 31, 2025, every employer in counties with a  
25 population of less than 1,000,000 inhabitants shall pay to  
26 each of his or her employees who is 18 years of age or older in

1 every occupation wages of not less than \$12 per hour, and from  
2 January 1, 2026 through December 31, 2026, every employer in  
3 counties with a population of less than 1,000,000 inhabitants  
4 shall pay to each of his or her employees who is 18 years of  
5 age or older in every occupation wages of not less than \$13 per  
6 hour, and from January 1, 2027 through December 31, 2027,  
7 every employer in counties with a population of less than  
8 1,000,000 inhabitants shall pay to each of his or her  
9 employees who is 18 years of age or older in every occupation  
10 wages of not less than \$14 per hour, and on or after January 1,  
11 2028, every employer in counties with a population of less  
12 than 1,000,000 inhabitants shall pay to each of his or her  
13 employees who is 18 years of age or older in every occupation  
14 wages of not less than \$15 per hour.

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

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

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

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

23 (b) No employer shall discriminate between employees on  
24 the basis of sex or mental or physical disability, except as  
25 otherwise provided in this Act by paying wages to employees at  
26 a rate less than the rate at which he pays wages to employees

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

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

22 (d) No camp counselor who resides on the premises of a  
23 seasonal camp of an organized not-for-profit corporation shall  
24 be subject to the adult minimum wage if the camp counselor (1)  
25 works 40 or more hours per week, and (2) receives a total  
26 weekly salary of not less than the adult minimum wage for a

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

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

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