102ND GENERAL ASSEMBLY
State of Illinois
2021 and 2022
SB2268

Introduced 2/26/2021, by Sen. Donald P. DeWitte

SYNOPSIS AS INTRODUCED:
820 ILCS 105/4 from Ch. 48, par. 1004

Amends the Minimum Wage Law. Provides that the increase in the minimum wage scheduled for January 1, 2022 is delayed until January 1, 2023. Provides that the subsequently scheduled annual increases in the minimum wage are delayed by one year culminating in a minimum wage of $15 per hour in 2026 rather than 2025. Makes corresponding delays in the minimum wage increases for persons under 18 years of age who do not work more than 650 hours per year. Contains provisions concerning legislative intent. Effective immediately.

FISCAL NOTE ACT
MAY APPLY
AN ACT concerning employment.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Findings; intent.

(a) The General Assembly finds that, in an unprecedented crisis caused by the COVID-19 global pandemic, it is important to ease the burden on businesses so that they can afford to rehire employees. The nature of our economy will change dramatically once businesses are allowed to reopen, and it is important that there be some flexibility when rehiring staff in a new environment.

(b) The intent of this Act is not to alter the minimum wage amount.

Section 5. The Minimum Wage Law is amended by changing Section 4 as follows:

(820 ILCS 105/4) (from Ch. 48, par. 1004)

Sec. 4. (a)(1) Every employer shall pay to each of his employees in every occupation wages of not less than $2.30 per hour or in the case of employees under 18 years of age wages of not less than $1.95 per hour, except as provided in Sections 5 and 6 of this Act, and on and after January 1, 1984, every employer shall pay to each of his employees in every
occupation wages of not less than $2.65 per hour or in the case
of employees under 18 years of age wages of not less than $2.25
per hour, and on and after October 1, 1984 every employer shall
pay to each of his employees in every occupation wages of not
less than $3.00 per hour or in the case of employees under 18
years of age wages of not less than $2.55 per hour, and on or
after July 1, 1985 every employer shall pay to each of his
employees in every occupation wages of not less than $3.35 per
hour or in the case of employees under 18 years of age wages of
not less than $2.85 per hour, and from January 1, 2004 through
December 31, 2004 every employer shall pay to each of his or
her employees who is 18 years of age or older in every
occupation wages of not less than $5.50 per hour, and from
January 1, 2005 through June 30, 2007 every employer shall pay
to each of his or her employees who is 18 years of age or older
in every occupation wages of not less than $6.50 per hour, and
from July 1, 2007 through June 30, 2008 every employer shall
pay to each of his or her employees who is 18 years of age or
older in every occupation wages of not less than $7.50 per
hour, and from July 1, 2008 through June 30, 2009 every
employer shall pay to each of his or her employees who is 18
years of age or older in every occupation wages of not less
than $7.75 per hour, and from July 1, 2009 through June 30,
2010 every employer shall pay to each of his or her employees
who is 18 years of age or older in every occupation wages of
not less than $8.00 per hour, and from July 1, 2010 through
December 31, 2019 every employer shall pay to each of his or her employees who is 18 years of age or older in every occupation wages of not less than $8.25 per hour, and from January 1, 2020 through June 30, 2020, every employer shall pay to each of his or her employees who is 18 years of age or older in every occupation wages of not less than $9.25 per hour, and from July 1, 2020 through December 31, 2020 every employer shall pay to each of his or her employees who is 18 years of age or older in every occupation wages of not less than $10 per hour, and from January 1, 2021 through December 31, 2022 every employer shall pay to each of his or her employees who is 18 years of age or older in every occupation wages of not less than $11 per hour, and from January 1, 2023 through December 31, 2023 every employer shall pay to each of his or her employees who is 18 years of age or older in every occupation wages of not less than $12 per hour, and from January 1, 2024 through December 31, 2024 every employer shall pay to each of his or her employees who is 18 years of age or older in every occupation wages of not less than $13 per hour, and from January 1, 2025 through December 31, 2025 every employer shall pay to each of his or her employees who is 18 years of age or older in every occupation wages of not less than $14 per hour; and on and after January 1, 2026, every employer shall pay to each of his or her employees who is 18 years of age or older in every occupation wages of not less than $15 per hour.
(2) Unless an employee's wages are reduced under Section 6, then in lieu of the rate prescribed in item (1) of this subsection (a), an employer may pay an employee who is 18 years of age or older, during the first 90 consecutive calendar days after the employee is initially employed by the employer, a wage that is not more than 50¢ less than the wage prescribed in item (1) of this subsection (a); however, an employer shall pay not less than the rate prescribed in item (1) of this subsection (a) to:

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

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

(3) At no time on or before December 31, 2019 shall the wages paid to any employee under 18 years of age be more than 50¢ less than the wage required to be paid to employees who are at least 18 years of age under item (1) of this subsection (a).

Beginning on January 1, 2020, every employer shall pay to each of his or her employees who is under 18 years of age that has worked more than 650 hours for the employer during any calendar year a wage not less than the wage required for employees who are 18 years of age or older under paragraph (1) of subsection (a) of Section 4 of this Act. Every employer shall pay to each of his or her employees who is under 18 years
of age that has not worked more than 650 hours for the employer during any calendar year: (1) $8 per hour from January 1, 2020 through December 31, 2020; (2) $8.50 per hour from January 1, 2021 through December 31, 2022; (3) $9.25 per hour from January 1, 2023 through December 31, 2023; (4) $10.50 per hour from January 1, 2024 through December 31, 2024; (5) $12 per hour from January 1, 2025 through December 31, 2025; and (6) $13 per hour on and after January 1, 2026.

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

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

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

(e) A camp counselor employed at a day camp is not subject to the adult minimum wage if the camp counselor is paid a stipend on a onetime or periodic basis and, if the camp counselor is a minor, the minor's parent, guardian or other custodian has consented in writing to the terms of payment before the commencement of such employment.
Section 99. Effective date. This Act takes effect upon becoming law.