



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB0658

Introduced 1/28/2005, by Rep. Jack D. Franks

SYNOPSIS AS INTRODUCED:

820 ILCS 105/4

from Ch. 48, par. 1004

Amends the Minimum Wage Law. Provides that an 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 is not entitled to an allowance for gratuities as part of the hourly wage rate (and deletes language giving an employer such an allowance in an amount not to exceed 40% of the applicable minimum wage rate).

LRB094 04075 WGH 34095 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 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) 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 occupation
13 wages of not less than \$2.65 per hour or in the case of
14 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
24 her employees who is 18 years of age or older in every
25 occupation wages of not less than \$5.50 per hour, and on and
26 after January 1, 2005 every employer shall pay to each of his
27 or her employees who is 18 years of age or older in every
28 occupation wages of not less than \$6.50 per hour.

29 At no time shall the wages paid to any employee under 18
30 years of age be more than 50¢ less than the wage required to be
31 paid to employees who are at least 18 years of age.

32 (b) No employer shall discriminate between employees on the

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

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

25 (d) No camp counselor who resides on the premises of a
26 seasonal camp of an organized not-for-profit corporation shall
27 be subject to the adult minimum wage if the camp counselor (1)
28 works 40 or more hours per week, and (2) receives a total
29 weekly salary of not less than the adult minimum wage for a
30 40-hour week. If the counselor works less than 40 hours per
31 week, the counselor shall be paid the minimum hourly wage for
32 each hour worked. Every employer of a camp counselor under this
33 subsection is entitled to an allowance for meals and lodging as
34 part of the hourly wage rate provided in Section 4, subsection
35 (a), in an amount not to exceed 25% of the minimum wage rate.

36 (e) A camp counselor employed at a day camp of an organized

1 not-for-profit corporation is not subject to the adult minimum
2 wage if the camp counselor is paid a stipend on a onetime or
3 periodic basis and, if the camp counselor is a minor, the
4 minor's parent, guardian or other custodian has consented in
5 writing to the terms of payment before the commencement of such
6 employment.

7 (Source: P.A. 93-581, eff. 1-1-04.)