

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 from ~~on~~
26 ~~and after~~ January 1, 2005 through June 30, 2007 every employer
27 shall pay to each of his or her employees who is 18 years of age
28 or older in every occupation wages of not less than \$6.50 per
29 hour, and from July 1, 2007 through December 31, 2007 every
30 employer shall pay to each of his or her employees in every
31 occupation wages of not less than \$7.50 per hour.

32 Beginning on January 1, 2008, every employer shall pay each

1 of his or her employees at a rate of not less than the
2 then-current adjusted minimum wage rate established under this
3 subsection (a) or the federal minimum hourly wage prescribed by
4 Section 206(a)(1) of Title 29 of the United States Code,
5 whichever is higher.

6 On September 30, 2007, and on each following September
7 30th, the Department of Labor shall calculate an adjusted
8 minimum wage rate to maintain employee purchasing power by
9 increasing the then-current minimum wage rate by the rate of
10 inflation. The adjusted minimum wage rate shall be calculated
11 to the nearest 5-cent increment using the consumer price index
12 for urban wage earners and clerical workers, CPI-W, or a
13 successor index, for the 12 months prior to September 1st of
14 the then-current year as calculated by the United States
15 Department of Labor. Each adjusted minimum wage rate calculated
16 under this subsection (a) takes effect on the following January
17 1st, with the first adjusted minimum wage rate to take effect
18 on January 1, 2008.

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

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

35 (c) Every employer of an employee engaged in an occupation
36 in which gratuities have customarily and usually constituted

1 and have been recognized as part of the remuneration for hire
2 purposes is entitled to an allowance for gratuities as part of
3 the hourly wage rate provided in Section 4, subsection (a) in
4 an amount not to exceed 40% of the applicable minimum wage
5 rate. The Director shall require each employer desiring an
6 allowance for gratuities to provide substantial evidence that
7 the amount claimed, which may not exceed 40% of the applicable
8 minimum wage rate, was received by the employee in the period
9 for which the claim of exemption is made, and no part thereof
10 was returned to the employer.

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

22 (e) A camp counselor employed at a day camp of an organized
23 not-for-profit corporation is not subject to the adult minimum
24 wage if the camp counselor is paid a stipend on a onetime or
25 periodic basis and, if the camp counselor is a minor, the
26 minor's parent, guardian or other custodian has consented in
27 writing to the terms of payment before the commencement of such
28 employment.

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

30 Section 99. Effective date. This Act takes effect July 1,
31 2007.