

1 AMENDMENT TO HOUSE BILL 4540

2 AMENDMENT NO. _____. Amend House Bill 4540 by replacing
3 everything after the enacting clause with the following:

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) Beginning January 1, 2003, and until
8 January 1, 2004, every employer shall pay, to each of his or
9 her employees who has reached the age of 18 years, wages at a
10 rate of not less than \$6.50 per hour.

11 Beginning on January 1, 2004, every employer shall pay to
12 each of his or her employees who has reached the age of 18
13 years wages at a rate of not less than the amount established
14 under this subsection (a).

15 On September 30, 2003, and on each following September
16 30th, the Department of Labor shall calculate an adjusted
17 minimum wage rate to maintain employee purchasing power by
18 increasing the current year's minimum wage rate by the rate
19 of inflation. The adjusted minimum wage rate shall be
20 calculated to the nearest cent using the consumer price index
21 for urban wage earners and clerical workers, CPI-W, or a
22 successor index, for the 12 months prior to each September

1 1st as calculated by the United States Department of Labor.
 2 Each adjusted minimum wage rate calculated under this
 3 subsection (a) takes effect on the following January 1st.

4 The Director of Labor shall by rule establish the minimum
 5 wage for employees under the age of 18 years. Every-employer
 6 shall-pay-to-each-of-his-employees-in-every-occupation--wages
 7 of--not--less-than-\$2.30-per-hour-or-in-the-case-of-employees
 8 under-18-years-of-age-wages-of-not-less-than-\$1.95-per--hour,
 9 except--as--provided--in-Sections-5-and-6-of-this-Act,
 10 and-on-and-after-January-1, 1984, every-employer-shall-pay--to--each
 11 of--his--employees-in-every-occupation-wages-of-not-less-than
 12 \$2.65-per-hour-or-in-the-case-of-employees-under-18-years--of
 13 age--wages--of-not-less-than-\$2.25-per-hour,
 14 and-on-and-after
 15 October-1, 1984-every-employer--shall--pay--to--each--of--his
 16 employees--in--every--occupation-wages-of-not-less-than-\$3.00
 17 per-hour-or-in-the-case-of-employees-under-18--years--of--age
 18 wages--of--not-less-than-\$2.55-per-hour-and-on-and-after-July
 19 1, 1985-every-employer-shall-pay-to-each-of-his-employees--in
 20 every--occupation-wages-of-not-less-than-\$3.35-per-hour-or-in
 21 the-case-of-employees-under-18-years-of-age-wages-of-not-less
 22 than-\$2.85-per-hour.

22 At no time shall the wages paid by every employer to each
 23 of his employees in every occupation be less than the federal
 24 minimum hourly wage prescribed by Section 206(a)(1) of Title
 25 29 of the United States Code, and at no time shall the wages
 26 paid to any employee under 18 years of age be more than 50¢
 27 less than the wage required to be paid to employees who are
 28 at least 18 years of age.

29 (b) No employer shall discriminate between employees on
 30 the basis of sex or mental or physical handicap, except as
 31 otherwise provided in this Act by paying wages to employees
 32 at a rate less than the rate at which he pays wages to
 33 employees for the same or substantially similar work on jobs
 34 the performance of which requires equal skill, effort, and

1 responsibility, and which are performed under similar working
2 conditions, except where such payment is made pursuant to (1)
3 a seniority system; (2) a merit system; (3) a system which
4 measures earnings by quantity or quality of production; or
5 (4) a differential based on any other factor other than sex
6 or mental or physical handicap, except as otherwise provided
7 in this Act.

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

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

33 (e) A camp counselor employed at a day camp of an
34 organized not-for-profit corporation is not subject to the

1 adult minimum wage if the camp counselor is paid a stipend on
2 a onetime or periodic basis and, if the camp counselor is a
3 minor, the minor's parent, guardian or other custodian has
4 consented in writing to the terms of payment before the
5 commencement of such employment.

6 (Source: P.A. 86-502.)".