

● MINIMUM WAGE LAW

STATUTORY CITATION: 820 Ill. Comp. Stat. §§ 105/1 – 105/15

GENERAL SUMMARY: The Minimum Wage Law establishes a state minimum wage, currently \$8.25 an hour for covered adults and \$7.75 an hour for covered workers under the age of 18, generally applicable to individuals who work for an employer with 4 or more employees. The law also dictates that employers observe certain recordkeeping and posting requirements.

PROVISIONS APPLICABLE TO AGRICULTURE

MINIMUM WAGE — With two major exceptions, outlined below, every employer who used more than 500 worker-days of agricultural labor in any calendar quarter during the preceding calendar year (for example, 50 workers employed for 10 days, 20 workers employed for 25 days, or any similar combination) is required to pay adult workers no less than \$8.25 for every hour of labor. Likewise, most workers under 18 years of age employed by such an employer are entitled to receive at least \$7.75 an hour.

EXCEPTIONS — The Minimum Wage Law *does not apply* to agricultural workers in the following categories:

(1) Any worker who (a) is employed as a hand-harvest laborer on a piece-rate basis, in an operation historically regarded as a piecework operation in the region, (b) commutes daily from his or her permanent place of residence to the worksite, and (c) was employed in agriculture less than 13 weeks during the preceding calendar year.

(2) Any worker 16 years of age or younger who (a) is employed as a hand-harvest laborer on a piece-rate basis, in an operation historically regarded as a piecework operation in the region, (b) is employed on the same farm as his or her parent, or person standing in the place of a parent, and (c) is paid the same piece rate as workers over the age of 16 are paid on the same farm.

RECORDKEEPING — Illinois employers are required to keep and retain for at least 3 years true and accurate payroll records with respect to each employee covered by the minimum wage. Records must include, at a minimum, (1) the name, address and occupation of each worker, (2) the wage rate, (3) the amount paid each pay period to each worker, and (4) the hours worked each day in each workweek by each worker.

POSTING — Subject employers must post a summary of the Minimum Wage Law and the associated regulations in a conspicuous location accessible to covered employees.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Fair Labor Standards Division, Illinois Department of Labor, Chicago, Illinois 60601 (312-793-2810)*. The Department is charged with the responsibility to investigate and gather data regarding the wages, hours and other conditions of employment in agriculture and other industries subject to the Minimum Wage Law. Agents of the Department may enter all workplaces in the state, inspect payroll records, question employees, and investigate any matter pertaining to reported or suspected violations. A worker who has not received full wages in accordance with the law may file a claim with the Department. In addition to liability for unpaid wages, an employer found to have failed to pay the lawful minimum wage, or to make and keep required records, is subject to criminal prosecution.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None*.

PRIVATE CIVIL ACTION — Employees may elect to enforce their right to the minimum wage in court, through legal counsel of their own choosing. A worker paid less than the wage to which he or she is entitled under this act may generally recover in a civil action the unpaid wages, plus punitive damages in the amount of 2 percent of the unpaid wages per month or an amount equal to the unpaid wages, whichever is less.