

IN THE SENATE

SENATE BILL NO. 1111

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO MINIMUM WAGES; AMENDING SECTION 44-1502, IDAHO CODE, TO REVISE THE CALCULATION OF MINIMUM WAGES FOR EMPLOYEES, TO REVISE THE CALCULATION OF THE WAGES OF TIPPED EMPLOYEES AND TO REVISE THE CALCULATION OF WAGES FOR EMPLOYEES UNDER TWENTY YEARS OF AGE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 44-1502, Idaho Code, be, and the same is hereby amended to read as follows:

44-1502. MINIMUM WAGES. (1) Except as ~~hereinafter~~ otherwise provided in this section, no employer shall pay to any of his employees any wages computed at a rate of less than ~~four dollars and seventy-five cents (\$4.75) commencing April 1, 1997, and five dollars and fifteen cents (\$5.15) commencing September 1, 1997,~~ eight dollars and twenty-five cents (\$8.25) per hour for employment commencing July 1, 2015, and nine dollars and twenty-five cents (\$9.25) per hour for employment commencing July 1, 2016. The amount of the minimum wage shall conform to, and track with, the federal minimum wage. Beginning September 30, 2017, and on each succeeding September 30, the director of the department of commerce shall calculate an adjusted minimum wage rate in direct proportion to an increase or decrease in the United States department of labor's consumer price index for urban wage earners and clerical workers (CPI-W), or a successor index, for the period of July 1 of the previous calendar year to June 30 of the current calendar year. Such adjusted minimum wage shall take effect on January 1 of the following year and no employer shall pay to any of his employees any wages computed at a rate of less than such adjusted minimum wage.

(2) In determining the wage of a tipped employee, the amount of direct wages paid by an employer to the employee shall be deemed to be increased on account of tips actually received by the employee; provided however, the direct wages paid to the employee by the employer shall not be in an amount less than three dollars and ~~thirty-five~~ eighty cents (\$3.3580) ~~an~~ per hour for employment commencing July 1, 2015, and four dollars and twenty-five cents (\$4.25) per hour for employment commencing July 1, 2016. Beginning September 30, 2017, and on each succeeding September 30, the director of the department of commerce shall calculate an adjusted minimum wage rate in direct proportion to an increase or decrease in the United States department of labor's consumer price index for urban wage earners and clerical workers (CPI-W), or a successor index, for the period of July 1 of the previous calendar year to June 30 of the current calendar year. Such adjusted minimum wage shall take effect on January 1 of the following year and no employer shall pay to any of his employees any wages computed at a rate of less than such adjusted minimum wage. If the tips actually received by the employee combined with the direct wages paid by the employer do not at least equal the minimum

1 wage, the employer must make up the difference. In the event a dispute arises  
2 between the employee and the employer with respect to the amount of tips ac-  
3 tually received by the employee, it shall be the employer's burden to demon-  
4 strate the amount of tips actually received by the employee. Any portion of  
5 tips paid to an employee, which is shared with other employees under a tip  
6 pooling or similar arrangement, shall not be deemed, for the purpose of this  
7 section, to be tips actually received by the employee.

8 ~~(3) In lieu of the rate prescribed by subsection (1) of this section, an~~  
9 An employer may pay an employee who has not attained twenty (20) years of age  
10 a wage which that is not less than four dollars and twenty-five seventy cents  
11 (\$4.2570) an per hour for employment commencing July 1, 2015, and five dol-  
12 lars and thirty-five cents (\$5.35) per hour for employment commencing July  
13 1, 2016, during the first ninety thirty (930) consecutive calendar days af-  
14 ter such employee is initially employed. After such thirty (30) day period,  
15 no employer shall pay to any such employee a wage at a rate of less than that  
16 provided in subsection (1) of this section. No employer may take any action  
17 to displace employees (including partial displacements such as reduction in  
18 hours, wages or employment benefits) for purposes of hiring individuals at  
19 the wage authorized in this subsection.