

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 56

BY KING

AN ACT

RELATING TO MINIMUM WAGE LAW; AMENDING SECTION 44-1502, IDAHO CODE, TO RE-
VISE PROVISIONS RELATING TO WAGES OF A TIPPED EMPLOYEE.

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,
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, per hour for employment. The amount of the minimum wage shall conform
to, and track with, the federal 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 di-
rect wages paid to the employee by the employer shall ~~not~~ be in an amount not
less than three four dollars and thirty-five cents (\$34.35) an hour, pro-
vided further, such hourly direct wage amount shall increase by one dollar
(\$1.00) at the beginning of each state fiscal year starting on July 1, 2014,
until July 1, 2016, at which time such hourly direct wage amount shall in-
crease to an amount that conforms to, and tracks with, the federal minimum
wage. Until July 1, 2016, if the tips actually received by the employee com-
bined with the direct wages paid by the employer do not at least equal the
minimum wage, the employer must make up the difference. In the event a dis-
pute arises between the employee and the employer with respect to the amount
of tips actually received by the employee, it shall be the employer's bur-
den to demonstrate the amount of tips actually received by the employee. Any
portion of tips paid to an employee, which is shared with other employees un-
der a tip pooling or similar arrangement, shall not be deemed, for the pur-
pose of this section, to be tips actually received by the employee.

(3) In lieu of the rate prescribed by subsection (1) of this section,
an employer may pay an employee who has not attained twenty (20) years of
age a wage which is not less than four dollars and twenty-five cents (\$4.25)
an hour during the first ninety (90) consecutive calendar days after such
employee is initially employed. No employer may take any action to displace
employees (including partial displacements such as reduction in hours,
wages or employment benefits) for purposes of hiring individuals at the wage
authorized in this subsection.