

IN THE SENATE

SENATE BILL NO. 1028

BY BURGOYNE

AN ACT

RELATING TO LABOR; AMENDING SECTION 44-1502, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE MINIMUM WAGE.

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 an employee~~ wages computed at a rate of less than ~~seven dollars and twenty-five cents (\$7.25) per hour for employment~~. The amount of the minimum wage shall ~~conform to, and track with, the federal minimum wage:~~

(a) Ten dollars (\$10.00) per hour, effective July 1, 2021;

(b) Twelve dollars and fifty cents (\$12.50) per hour, effective July 1, 2022; and

(c) Fifteen dollars (\$15.00) per hour, effective July 1, 2023.

(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 cents (\$3.35) an hour.:~~

(a) Five dollars (\$5.00) per hour, effective July 1, 2021;

(b) Six dollars and twenty-five cents (\$6.25) per hour, effective July 1, 2022; and

(c) Seven dollars and fifty cents (\$7.50) per hour, effective July 1, 2023.

(3) If the tips actually received by ~~the a~~ a tipped employee combined with the direct wages paid by the employer to such employee do not at least equal the minimum wage, as provided in subsection (1) of this section, then the employer must make up the difference. In the event a dispute 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 burden to demonstrate the amount of tips actually received by the employee. Any portion of tips paid to an employee, ~~which that~~ is shared with other employees under a tip pooling or similar arrangement, shall not be deemed, for the purpose 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,~~

1 ~~wages or employment benefits) for purposes of hiring individuals at the wage~~  
2 ~~authorized in this subsection.~~

3 ~~(4) No political subdivision of this state, as defined by section~~  
4 ~~6-902, Idaho Code, shall establish by ordinance or other action minimum~~  
5 ~~wages higher than the minimum wages provided in this section. Counties named~~  
6 ~~in chapter 1, title 31, Idaho Code, and municipal corporations governed by~~  
7 ~~title 50, Idaho Code, may establish and enforce minimum wage laws higher than~~  
8 ~~the minimum wages provided in this section.~~

9 ~~(5) Notwithstanding the provisions of this section, the minimum wages~~  
10 ~~for regular and tipped employees as provided in this section shall not be~~  
11 ~~less than the federal minimum wage.~~