

IN THE SENATE

SENATE BILL NO. 1334

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO MINIMUM WAGES; AMENDING SECTION 44-1502, IDAHO CODE, TO REVISE
2 PROVISIONS RELATING TO MINIMUM WAGES, TO ESTABLISH PROVISIONS RELAT-
3 ING TO A WAGE OF EIGHT DOLLARS AND FIFTY CENTS PER HOUR, TO ESTABLISH
4 PROVISIONS RELATING TO A WAGE OF NINE DOLLARS AND SEVENTY-FIVE CENTS
5 PER HOUR, TO ESTABLISH PROVISIONS TO CALCULATE THE ADJUSTED MINIMUM
6 WAGE RATE IN PROPORTION TO AN INCREASE OR DECREASE IN A CERTAIN INDEX,
7 TO REVISE PROVISIONS RELATING TO DETERMINING THE WAGE OF A TIPPED EM-
8 PLOYEE, TO ESTABLISH PROVISIONS RELATING TO A WAGE OF THREE DOLLARS AND
9 EIGHTY CENTS PER HOUR, TO ESTABLISH PROVISIONS RELATING TO A WAGE OF
10 FOUR DOLLARS AND TWENTY-FIVE CENTS PER HOUR, TO ESTABLISH PROVISIONS
11 RELATING TO CALCULATING THE ADJUSTED MINIMUM WAGE RATE IN PROPORTION TO
12 AN INCREASE OR DECREASE IN A CERTAIN INDEX, TO PROVIDE THAT AN EMPLOYER
13 MAY PAY AN EMPLOYEE WHO HAS NOT ATTAINED EIGHTEEN YEARS OF AGE A CERTAIN
14 WAGE, TO PROVIDE THAT AFTER A CERTAIN PERIOD, NO EMPLOYER SHALL PAY CER-
15 TAIN EMPLOYEES A WAGE AT A RATE LESS THAN THE ADJUSTED MINIMUM WAGE AND
16 TO MAKE TECHNICAL CORRECTIONS.
17

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

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

21 44-1502. MINIMUM WAGES. (1) Except as ~~hereinafter~~ otherwise provided
22 in this section, no employer shall pay to any of his employees any wages com-
23 puted at a rate of less than four dollars and seventy-five cents (\$4.75) com-
24 mencing April 1, 1997, and five dollars and fifteen cents (\$5.15) commencing
25 September 1, 1997, eight dollars and fifty cents (\$8.50) per hour for employ-
26 ment commencing July 1, 2014 and nine dollars and seventy-five cents (\$9.75)
27 per hour commencing July 1, 2015. The amount of the minimum wage shall con-
28 form to, and track with, the federal minimum wage Beginning September 30,
29 2016, and on each succeeding September 30, the director of the department of
30 commerce shall calculate the adjusted minimum wage rate in direct proportion
31 to an increase or decrease in the United States department of labor's con-
32 sumer price index for urban wage earners and clerical workers (CPI-W), or a
33 successor index, for the period of July 1 of the previous calendar year to
34 June 30 of the current calendar year. Such adjusted minimum wage shall take
35 effect on January 1 of the following year and no employer shall pay to any of
36 his employees any wages computed at a rate of less than such adjusted minimum
37 wage.

38 (2) In determining the wage of a tipped employee, the amount of direct
39 wages paid by an employer to the employee shall be deemed to be increased on
40 account of tips actually received by the employee; provided however, the di-
41 rect wages paid to the employee by the employer shall not be in an amount
42 less than three dollars and ~~thirty-five~~ eighty cents (\$3.~~35~~80) ~~an~~ per hour

1 commencing July 1, 2014 and four dollars and twenty five cents (\$4.25) per
2 hour commencing July 1, 2015. Beginning September 30, 2016, and on each suc-
3 ceeding September 30, the director of the department of commerce shall cal-
4 culate the adjusted minimum wage rate in direct proportion to an increase or
5 decrease in the United States department of labor's consumer price index for
6 urban wage earners and clerical workers (CPI-W), or a successor index, for
7 the period of July 1 of the previous calendar year to June 30 of the current
8 calendar year. Such adjusted minimum wage shall take effect on January 1 of
9 the following year and no employer shall pay to any of his employees any wages
10 computed at a rate of less than such adjusted minimum wage. If the tips actu-
11 ally received by the employee combined with the direct wages paid by the em-
12 ployer do not at least equal the minimum wage, the employer must make up the
13 difference. In the event a dispute arises between the employee and the em-
14 ployer with respect to the amount of tips actually received by the employee,
15 it shall be the employer's burden to demonstrate the amount of tips actually
16 received by the employee. Any portion of tips paid to an employee, which
17 is shared with other employees under a tip pooling or similar arrangement,
18 shall not be deemed, for the purpose of this section, to be tips actually re-
19 ceived by the employee.

20 (3) ~~In lieu of the rate prescribed by subsection (1) of this section,~~
21 ~~a~~An employer may pay an employee who has not attained ~~twenty (20)~~ eighteen
22 (18) years of age a wage ~~which that~~ is not less than four dollars and ~~twenty-~~
23 ~~five seventy~~ cents (\$4.2570) ~~an~~ per hour commencing July 1, 2014 and five
24 dollars and thirty-five cents (\$5.35) per hour commencing July 1, 2015 dur-
25 ing the first ~~ninety (90)~~ thirty (30) consecutive calendar days after such
26 employee is initially employed. After such thirty (30) day period, no em-
27 ployer shall pay to any such employee a wage at a rate of less than that pro-
28 vided in subsection (1) of this section. No employer may take any action to
29 displace employees, ~~(including partial displacements such as reduction in~~
30 ~~hours, wages or employment benefits)~~, for purposes of hiring individuals at
31 the wage authorized in this subsection.