

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 400

BY ERPELDING

AN ACT

1 RELATING TO MINIMUM WAGES; AMENDING SECTION 44-1502, IDAHO CODE, TO REVISE
2 THE CALCULATION OF MINIMUM WAGES FOR EMPLOYEES, TO REVISE THE CALCULA-
3 TIONS OF THE WAGES FOR TIPPED EMPLOYEES AND TO REVISE THE CALCULATION OF
4 WAGES FOR EMPLOYEES UNDER TWENTY YEARS OF AGE.
5

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

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

9 44-1502. MINIMUM WAGES. (1) Except as ~~hereinafter~~ otherwise provided
10 in this section, no employer shall pay to any of his employees any wages
11 computed at a rate of less than ~~four eight~~ dollars and ~~seventytwenty~~-five
12 cents (\$48.725) commencing ~~April~~ July 1, 19972016, and ~~five nine~~ dollars
13 and ~~fifteen twenty~~-five cents (\$5.159.25) commencing ~~September~~ July 1, 1997
14 2017, per hour for employment. ~~The amount of the minimum wage shall conform~~
15 ~~to, and track with, the federal minimum wage~~ Beginning September 30, 2018,
16 and on each succeeding September 30, the director of the state department of
17 commerce shall calculate an adjusted minimum wage rate in direct proportion
18 to an increase or decrease in the United States department of labor's con-
19 sumer price index for urban wage earners and clerical workers (CPI-W) or a
20 successor index for the period July 1 of the previous calendar year to June 30
21 of the current calendar year. Such adjusted minimum wage shall take effect
22 on January 1 of the following year, and no employer shall pay to any of his em-
23 ployees any wages computed at a rate of less than such adjusted minimum wage.

24 (2) In determining the wage of a tipped employee, the amount of direct
25 wages paid by an employer to the employee shall be deemed to be increased on
26 account of tips actually received by the employee; provided however, the di-
27 rect wages paid to the employee by the employer shall not be in an amount less
28 than three dollars and ~~thirty-five~~ eighty cents (\$3.3580) an hour commencing
29 July 1, 2016, and four dollars and twenty-five cents (\$4.25) per hour com-
30 mencing July 1, 2017. Beginning September 30, 2018, and on each succeeding
31 September 30, the director of the department of commerce shall calculate an
32 adjusted minimum wage rate in direct proportion to an increase or decrease in
33 the United States department of labor's consumer price index for urban wage
34 earners and clerical workers (CPI-W) or a successor index for the period July
35 1 of the previous calendar year to June 30 of the current calendar year. Such
36 adjusted minimum wage shall take effect on January 1 of the following year,
37 and no employer shall pay to any of his employees any wages computed at a rate
38 of less than such adjusted minimum wage. If the tips actually received by
39 the employee combined with the direct wages paid by the employer do not at
40 least equal the minimum wage, the employer must make up the difference. In
41 the event a dispute arises between the employee and the employer with re-
42 spect to the amount of tips actually received by the employee, it shall be

1 the employer's burden to demonstrate the amount of tips actually received
2 by the employee. Any portion of tips paid to an employee, which is shared
3 with other employees under a tip pooling or similar arrangement, shall not be
4 deemed, for the purpose of this section, to be tips actually received by the
5 employee.

6 ~~(3) In lieu of the rate prescribed by subsection (1) of this section,~~
7 a An employer may pay an employee who has not attained twenty (20) years of
8 age a wage ~~which that~~ is not less than four dollars and ~~twenty-five~~ seventy
9 cents (\$4.2570) an per hour commencing July 1, 2016, and five dollars and
10 thirty-five cents (\$5.35) per hour commencing July 1, 2017, during the first
11 ninety thirty (930) consecutive calendar days after such employee is ini-
12 tially employed. After such thirty (30) day period, no employer shall pay to
13 any such employee a wage at a rate of less than that provided in subsection
14 (1) of this section. No employer may take any action to displace employees
15 (including partial displacements such as reduction in hours, wages or em-
16 ployment benefits) for purposes of hiring individuals at the wage authorized
17 in this subsection.