

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 57

BY KING

AN ACT

1 RELATING TO MINIMUM WAGE LAW; AMENDING SECTION 44-1502, IDAHO CODE, TO
2 REVISE PROVISIONS RELATING TO MINIMUM WAGES, TO REMOVE PROVISIONS RE-
3 LATING TO TIPPED EMPLOYEES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING
4 SECTION 44-1503, IDAHO CODE, TO REMOVE A CODE REFERENCE AND TO MAKE
5 TECHNICAL CORRECTIONS; AND PROVIDING AN EFFECTIVE DATE.
6

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

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

10 44-1502. MINIMUM WAGES. (1) Except as ~~hereinafter~~ otherwise provided
11 in this section, no employer shall pay to any of his employees any wages com-
12 puted at a rate of less than four dollars and seventy-five cents (\$4.75) com-
13 mencing April 1, 1997, and five dollars and fifteen cents (\$5.15) commene-
14 ing September 1, 1997, eight dollars and twenty-five cents (\$8.25) per hour
15 for employment. The amount of the minimum wage shall conform to, and track
16 with, the federal minimum wage Beginning September 30, 2014, and on each suc-
17 ceeding September 30, the director of the department of commerce shall cal-
18 culate an adjusted minimum wage rate in direct proportion to an increase or
19 decrease in the United States department of labor's consumer price index for
20 urban wage earners and clerical workers (CPI-W), or a successor index, for
21 the period of July 1 of the previous calendar year to June 30 of the current
22 calendar year. Such adjusted minimum wage shall take effect on January 1 of
23 the following year and no employer shall pay to any of his employees any wages
24 computed at a rate of less than such adjusted minimum wage.

25 (2) ~~In determining the wage of a tipped employee, the amount of direct~~
26 ~~wages paid by an employer to the employee shall be deemed to be increased on~~
27 ~~account of tips actually received by the employee; provided however, the di-~~
28 ~~rect wages paid to the employee by the employer shall not be in an amount less~~
29 ~~than three dollars and thirty-five cents (\$3.35) an hour. If the tips actu-~~
30 ~~ally received by the employee combined with the direct wages paid by the em-~~
31 ~~ployer do not at least equal the minimum wage, the employer must make up the~~
32 ~~difference. In the event a dispute arises between the employee and the em-~~
33 ~~ployer with respect to the amount of tips actually received by the employee,~~
34 ~~it shall be the employer's burden to demonstrate the amount of tips actually~~
35 ~~received by the employee. Any portion of tips paid to an employee, which~~
36 ~~is shared with other employees under a tip pooling or similar arrangement,~~
37 ~~shall not be deemed, for the purpose of this section, to be tips actually re-~~
38 ~~ceived by the employee.~~

39 (3) ~~In lieu of the rate prescribed by subsection (1) of this section,~~
40 ~~aAn employer may pay an employee who has not attained twenty eighteen (2018)~~
41 ~~years of age a wage which that is not less than four five dollars and twenty-~~
42 ~~five ninety-eight cents (\$4.255.98) an hour during the first ninety thirty~~

1 (930) consecutive calendar days after such employee is initially employed.
 2 After such thirty (30) day period, no employer shall pay to any such employee
 3 a wage at a rate of less than that provided in subsection (1) of this section.
 4 No employer may take any action to displace employees, ~~(including partial~~
 5 ~~displacements such as reduction in hours, wages or employment benefits),~~ for
 6 purposes of hiring individuals at the wage authorized in this subsection.

7 SECTION 2. That Section 44-1503, Idaho Code, be, and the same is hereby
 8 amended to read as follows:

9 44-1503. DEFINITIONS. (1) "Agriculture" includes farming in all its
 10 branches and, among other things, includes the cultivation and tillage of
 11 the soil; dairying; the production, cultivation, growing and harvesting of
 12 any agricultural, aquacultural or horticultural commodities; the raising of
 13 livestock, bees, fur-bearing animals or poultry; and any practices, includ-
 14 ing any forestry or lumbering operations, performed by a farmer or on a farm
 15 as an incident to or in conjunction with such farming operation, including
 16 preparation for market, delivery to storage or to market or to carriers for
 17 transportation to market.

18 (2) "Wages" paid to any employee includes compensation paid to such em-
 19 ployee in the form of legal tender of the United States, checks on banks con-
 20 vertible into cash on demand, and also includes the reasonable cost as deter-
 21 mined by the employment security agency to the employer of furnishing such
 22 employee with board, lodging or other facilities if such board, lodging or
 23 other facilities are customarily furnished by such employer to his employee
 24 and used by employees, and commissions of every kind, and tips or gratuities
 25 ~~as provided by section 44-1502, Idaho Code.~~

26 (3) "Employ" includes to suffer or permit to work. "Employee" includes
 27 any individual employed by an employer. "Employer" includes any person em-
 28 ploying an employee or acting directly or indirectly in the interest of an
 29 employer in relation to an employee but shall not include the United States
 30 or any state or political subdivision of a state, or any labor organization,
 31 ~~(other than when acting as an employer),~~ or anyone acting in the capacity of
 32 officer or agent of such labor organization.

33 (4) "Person" means any individual, partnership, association, corpora-
 34 tion, business, trust, legal representative, or any organized group of per-
 35 sons.

36 (5) "Tipped employee" means any employee engaged in an occupation
 37 in which he customarily and regularly receives more than thirty dollars
 38 (\$30.00) a month in tips.

39 SECTION 3. This act shall be in full force and effect on and after July
 40 1, 2014.