

TITLE 44
LABOR

CHAPTER 15
MINIMUM WAGE LAW

44-1501. SHORT TITLE. This act shall be known and may be cited as the "Minimum Wage Law."

[44-1501, added 1955, ch. 154, sec. 1, p. 301.]

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 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.

(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. If the tips actually received by the employee combined 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 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 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, wages or employment benefits) for purposes of hiring individuals at the wage authorized in this subsection.

(4) No political subdivision of this state, as defined by section [6-902](#), Idaho Code, shall establish by ordinance or other action minimum wages higher than the minimum wages provided in this section.

[44-1502, added 1955, ch. 154, sec. 2, p. 301; am. 1963, ch. 9, sec. 1, p. 20; am. 1967, ch. 411, sec. 1, p. 1222; am. 1971, ch. 123, sec. 1, p. 422; am. 1976, ch. 38, sec. 1, p. 80; am. 1990, ch. 132, sec. 1, p. 305; am. 1990, ch. 212, sec. 1, p. 479; am. 1997, ch. 309, sec. 1, p. 916; am. 1998, ch. 107, sec. 1, p. 367; am. 2007, ch. 357, sec. 1, p. 1056.; am. 2016, ch. 145, sec. 1, p. 412.]

44-1503. DEFINITIONS. "Agriculture" includes farming in all its branches and, among other things, includes the cultivation and tillage of the soil; dairying; the production, cultivation, growing and harvesting of any agricultural, aquacultural or horticultural commodities; the raising of livestock, bees, fur-bearing animals or poultry; and any practices,

including any forestry or lumbering operations, performed by a farmer or on a farm as an incident to or in conjunction with such farming operation, including preparation for market, delivery to storage or to market or to carriers for transportation to market.

"Wages" paid to any employee includes compensation paid to such employee in the form of legal tender of the United States, checks on banks convertible into cash on demand, and also includes the reasonable cost as determined by the employment security agency to the employer of furnishing such employee with board, lodging or other facilities if such board, lodging or other facilities are customarily furnished by such employer to his employee and used by employees, and commissions of every kind, and tips or gratuities as provided by section [44-1502](#), Idaho Code.

"Employ" includes to suffer or permit to work. "Employee" includes any individual employed by an employer. "Employer" includes any person employing an employee or acting directly or indirectly in the interest of an employer in relation to an employee but shall not include the United States or any state or political subdivision of a state, or any labor organization (other than when acting as an employer) or anyone acting in the capacity of officer or agent of such labor organization.

"Person" means any individual, partnership, association, corporation, business, trust, legal representative, or any organized group of persons.

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

[44-1503, added 1955, ch. 154, sec. 3, p. 301; am. 1957, ch. 184, sec. 1, p. 362; am. 1990, ch. 132, sec. 2, p. 305; am. 2001, ch. 70, sec. 1, p. 140.]

44-1504. EMPLOYEES EXCEPTED FROM PROVISIONS OF ACT. The provisions of this act shall not apply to:

- (1) Any employee employed in a bona fide executive, administrative or professional capacity; or
- (2) Anyone engaged in domestic service; or
- (3) Any individual employed as an outside salesman; or
- (4) Seasonal employees of a nonprofit camping program; or
- (5) Any child under the age of sixteen (16) years working part time or at odd jobs not exceeding a total of four (4) hours per day with any one (1) employer; or
- (6) Any employee under the age of eighteen (18) years who is employed by an immediate family member or such family member's business; or
- (7) Any individual employed in agriculture if:
 - (a) Such employee is the parent, spouse, child or other member of his employer's immediate family; or
 - (b) Such employee is older than sixteen (16) years of age and:
 - (i) Is employed as a harvest laborer and is paid on a piece-rate basis in an operation which has been, and is customarily and generally recognized as having been, paid on a piece-rate basis in the region of employment, and
 - (ii) Commutes daily from his permanent residence to the farm on which he is so employed, and
 - (iii) Has been employed in agriculture less than thirteen (13) weeks during the preceding calendar year; or
 - (c) Such employee is sixteen (16) years of age or under and:

- (i) Is employed as a harvest laborer, is paid on a piece-rate basis in an operation which has been, and is customarily and generally recognized as having been, paid on a piece-rate basis in the region of employment, and
- (ii) Is employed on the same farm as his parent or person standing in the place of his parent, and
- (iii) Is paid at the same piece-rate basis as employees over the age of sixteen (16) years are paid on the same farm; or
- (d) Such employee is principally engaged in the range production of livestock.

[44-1504, added 1955, ch. 154, sec. 4, p. 301; am. 1959, ch. 59, sec. 1, p. 128; 1967, ch. 411, sec. 2, p. 1222; am. 1978, ch. 307, sec. 1, p. 770; am. 2001, ch. 70, sec. 2, p. 141; am. 2018, ch. 251, sec. 1, p. 581.]

44-1505. EMPLOYMENT OF WORKERS WITH DISABILITIES FOR SUBMINIMUM WAGES. The payment of the minimum wage under this act shall not apply to a worker with disabilities, if the employer is issued a special certificate, as provided now or hereafter under the federal fair labor standards act.

[44-1505, added 1955, ch. 154, sec. 5, p. 301; am. 1974, ch. 39, sec. 61, p. 1023; am. 1996, ch. 421, sec. 17, p. 1420.]

44-1506. APPRENTICE. For any employment in which the minimum wage is applicable, the director of the department of labor may issue to an apprentice or learner a special license authorizing the employment of such apprentice or learner for the time and under the conditions which he determines and at a wage less than the minimum wage established by this act. Apprentice or learner shall include a student or students enrolled in a bona fide secondary school program administered by an accredited school district which includes work training experience. The director may hold such hearings and conduct such investigations as he shall deem necessary before fixing a special wage for such apprentice or learner.

[44-1506, added 1955, ch. 154, sec. 6, p. 301; am. 1974, ch. 39, sec. 62, p. 1023; am. 1976, ch. 223, sec. 1, p. 796; am. 1996, ch. 421, sec. 18, p. 1420.]

44-1507. POSTING OF SUMMARY OF THE ACT. Every employer subject to this act shall keep a summary of this act, furnished by the director of the department of labor, without charge, posted in a conspicuous place, in or about the premises wherein any person subject to the act is employed, or in a place accessible to his employees.

[44-1507, added 1955, ch. 154, sec. 7, p. 301; am. 1974, ch. 39, sec. 63, p. 1023; am. 1996, ch. 421, sec. 19, p. 1420.]

44-1508. ENFORCEMENT. (1) When the director of the department of labor has reason to believe that an employer is engaged in an act or practice which violates or will violate a provision of [chapter 15, title 44](#), Idaho Code, he may bring an action in a court of competent jurisdiction to enjoin the act or practice, and to enforce compliance with the provisions of [chapter 15, title 44](#), Idaho Code. Upon a proper showing, a permanent or temporary injunction or restraining order shall be granted without bond.

(2) A claim for unpaid minimum wages as set forth in section [44-1502](#), Idaho Code, may be treated as a claim for wages due and owing under [chapter 6, title 45](#), Idaho Code. Such claim shall not be subject to the limitation contained in section [45-617](#)(1), Idaho Code. Any action for such wages must be commenced in a court of competent jurisdiction within two (2) years after the cause of action shall have accrued.

[44-1508, added 1976, ch. 38, sec. 3, p. 81; am. 1996, ch. 421, sec. 20, p. 1420; am. 1999, ch. 51, sec. 1, p. 116.]

44-1509. DISCHARGING OR DISCRIMINATING AGAINST EMPLOYEE'S ASSERTING RIGHTS UNDER MINIMUM WAGE LAW PROHIBITED. No employer shall discharge or in any other manner discriminate against any employee:

(1) Because the employee has made complaint that he has not been paid wages in accordance with [chapter 15, title 44](#), Idaho Code.

(2) Because the employee has caused to be instituted or is about to cause to be instituted any proceedings under or related to [chapter 15, title 44](#), Idaho Code.

(3) Because the employee has testified or is about to testify in any proceedings under or related to [chapter 15, title 44](#), Idaho Code.

[44-1509, added 1976, ch. 38, sec. 5, p. 81]