

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 397

BY MCCROSTIE

AN ACT

1 RELATING TO MINIMUM WAGES; AMENDING SECTION 44-1502, IDAHO CODE, TO REMOVE
2 THE PROHIBITION ON POLITICAL SUBDIVISIONS ENACTING A HIGHER MINIMUM
3 WAGE THAN THE STATE MINIMUM WAGE AND TO MAKE A TECHNICAL CORRECTION.
4

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

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

8 44-1502. MINIMUM WAGES. (1) Except as hereinafter otherwise provided,
9 no employer shall pay to any of his employees any wages computed at a rate of
10 less than seven dollars and twenty-five cents (\$7.25) ~~per~~ an hour for employ-
11 ment. The amount of the minimum wage shall conform to, and track with, the
12 federal minimum wage.

13 (2) In determining the wage of a tipped employee, the amount of direct
14 wages paid by an employer to the employee shall be deemed to be increased on
15 account of tips actually received by the employee; provided however, the di-
16 rect wages paid to the employee by the employer shall not be in an amount less
17 than three dollars and thirty-five cents (\$3.35) an hour. If the tips actu-
18 ally received by the employee combined with the direct wages paid by the em-
19 ployer do not at least equal the minimum wage, the employer must make up the
20 difference. In the event a dispute arises between the employee and the em-
21 ployer with respect to the amount of tips actually received by the employee,
22 it shall be the employer's burden to demonstrate the amount of tips actually
23 received by the employee. Any portion of tips paid to an employee, which
24 is shared with other employees under a tip pooling or similar arrangement,
25 shall not be deemed, for the purpose of this section, to be tips actually re-
26 ceived by the employee.

27 (3) In lieu of the rate prescribed by subsection (1) of this section,
28 an employer may pay an employee who has not attained twenty (20) years of
29 age a wage which is not less than four dollars and twenty-five cents (\$4.25)
30 an hour during the first ninety (90) consecutive calendar days after such
31 employee is initially employed. No employer may take any action to displace
32 employees (including partial displacements such as reduction in hours,
33 wages or employment benefits) for purposes of hiring individuals at the wage
34 authorized in this subsection.

35 ~~(4) No political subdivision of this state, as defined by section~~
36 ~~6-902, Idaho Code, shall establish by ordinance or other action minimum~~
37 ~~wages higher than the minimum wages provided in this section.~~