

WARNING

It is a felony for anyone to sign any initiative or referendum petition with any name other than his own, or to knowingly sign his name more than once for the measure, or to sign such petition when he is not a qualified elector.

INITIATIVE PETITION

To the Honorable Ben Ysursa, Secretary of State of the State of Idaho:

“We, the undersigned citizens and qualified electors of the State of Idaho, respectfully demand that the following proposed law be effective January 1, 2015 to-wit:

AN INITIATIVE RELATING TO AN INCREASE IN THE MINIMUM WAGE PAID TO EMPLOYEES BY EMPLOYERS IN THE STATE OF IDAHO

AN INITIATIVE RELATING TO THE MINIMUM WAGE, REVISING IDAHO CODE BY AMENDING 44-1502. EMPLOYERS SHALL PAY EMPLOYEES A RATE OF EIGHT DOLLARS AND TEN CENTS (\$8.10) PER HOUR JANUARY 1, 2015 THROUGH DECEMBER 31, 2015; EIGHT DOLLARS AND NINETY-FIVE CENTS (\$8.95) PER HOUR JANUARY 1, 2016 THROUGH DECEMBER 31, 2016; NINE DOLLARS AND EIGHTY CENTS THROUGH DECEMBER 31, 2017. ON SEPTEMBER 30, 2018 AND ON EACH SEPTEMBER 30 THEREAFTER, THE IDAHO DEPARTMENT OF LABOR SHALL CALCULATE AN ADJUSTED MINIMUM WAGE USING THE CONSUMER PRICE INDEX, EFFECTIVE THE FOLLOWING JANUARY 1ST. IN THE EVENT THAT CPI-W DECLINES, THE MINIMUM WAGE RATE SHALL REMAIN

UNCHANGED AND NO INCREASE UNTIL THE ACTUAL VALUE OF THE CPI-W HAS RETURNED TO THE LEVEL IT HAD REACHED BEFORE IT DECLINED. THE DIRECT WAGES PAID TO A TIPPED EMPLOYEE SHALL BE THREE DOLLARS AND THIRTY FIVE CENTS (\$3.35) PER HOUR THROUGH DECEMBER 31, 2014; FOUR DOLLARS AND TWENTY CENTS (\$4.20) PER HOUR FROM JANUARY 1, 2015 THROUGH DECEMBER 31, 2015; FIVE DOLLARS AND FIVE CENTS (\$5.05) PER HOUR FROM JANUARY 1, 2016 THROUGH DECEMBER 31, 2016 THROUGH DECEMBER 31, 2016; FIVE DOLLARS AND NINETY CENTS (\$5.90) PER HOUR AFTER JANUARY 1, 2017.

Be it enacted by the People of the State of Idaho:

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

44-1502. MINIMUM WAGES. (1) Except as hereinafter otherwise provided in this section, ~~no~~ employers shall pay to ~~any of~~ his employees any wages computed as follows:

(a) From the effective date of this act through December 31, 2014, at a rate of not less than four dollars and seventy five cents (\$4.75) commencing April 1, 1997, and five dollars and fifteen cents (\$5.15) commencing September 1, 1997, per hour for employment. The amount of the minimum wage shall conform to, and track with, the federal minimum wage per hour for employment;

(b) From January 1, 2015 through December 31, 2015, at a rate of not less than eight dollars and ten cents (\$8.10) per hour for employment;

(c) From January 1, 2016 through December 31, 2016, at a rate of not less than eight dollars and ninety-five cents (\$8.95) per hour for employment;

- (d) From January 1, 2017 through December 31, 2018, at a rate of not less than nine dollars and eighty cents (\$9.80) per hour for employment;
- (e) On September 30, 2018, and on each September 30 thereafter, the director of the Idaho department of labor shall calculate an adjusted minimum wage rate to maintain employee purchasing power by increasing the current year minimum wage rate by the rate of inflation. The adjusted minimum wage rate shall be calculated to the nearest cent using the consumer price index for urban wage earners and clerical workers, CPI-W, or a successor index, for the twelve (12) months prior to each September 1st as calculated by the Idaho department of labor. Each adjusted minimum wage rate calculated pursuant to this paragraph shall take effect on the following January 1. In the event that CPI-W declines, the minimum wage rate is to remain unchanged and not increase until the actual value of the CPI-W has returned to the level it had reached before it declined.
- (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 not less than:
- (a) Three dollars and thirty-five cents (\$3.35) an hour through December 31, 2014;
- (b) From January 1, 2015 through December 31, 2015, four dollars and twenty cents (\$4.20) an hour;
- (c) From January 1, 2016 through December 31, 2016, five dollars and five cents (\$5.05) an hour; and
- (d) On and after January 1, 2017, five dollars and ninety cents (\$5.90) 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~~ eighteen (~~2018~~) 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.