HOUSE DOCKET, NO. 1277 FILED ON: 1/16/2013

HOUSE . . . . . No. 1718

The Commonwealth of Massachusetts

PRESENTED BY:

Linda Dorcena Forry

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to the fair distribution of gratuities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Linda Dorcena Forry	*12th Suffolk*
Kathi-Anne Reinstein	*16th Suffolk*
Angelo L. D'Emilia	*8th Plymouth*
Daniel B. Winslow	*9th Norfolk*
Keiko M. Orrall	*12th Bristol*
Donald F. Humason, Jr.	*4th Hampden*
John P. Fresolo	*16th Worcester*
Matthew A. Beaton	*11th Worcester*
Bruce E. Tarr	*First Essex and Middlesex*
James R. Miceli	*19th Middlesex*

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HOUSE . . . . . No. 1718

By Ms. Forry of Boston, a petition (accompanied by bill, House, No. 1718) of Linda Dorcena Forry and others relative to the fair distribution of gratuities. Labor and Workforce Development.

The Commonwealth of Massachusetts

An Act relative to the fair distribution of gratuities.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to protect forthwith employees' additional compensation while performing their duties, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 152A of chapter 149 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the word ' responsibility ' , in line 8, the following words:- ; provided, however, that a supervisor in a quick service restaurant who serves patrons or customers and whose job duties do not qualify him or her as an employee employed in a bona fide executive capacity as defined in 29 C.F.R. §§541.100 (a)(2)-(4)et seq., shall qualify as a wait staff employee for purposes of this section.

SECTION 2. Said section 152A of said chapter 149, as so appearing, is hereby further amended by inserting after the definition ' Patron ' the following definition:-

" Quick service restaurant " , an establishment selling food or beverages where products are served to patrons primarily over a sales counter or a drive up window sales point, where there is minimal or no direct service to patrons seated at tables, and where employees are paid at least the minimum required hourly wage for non-service employees pursuant to Chapter 151.

SECTION 3. Nothing in this chapter shall prohibit an employer from establishing a policy prohibiting the acceptance of gratuities.