SENATE DOCKET, NO. 580 FILED ON: 1/16/2013

SENATE . . . . . No. 887

The Commonwealth of Massachusetts

PRESENTED BY:

Michael J. Rodrigues

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 pooling of tips.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Michael J. Rodrigues	*First Bristol and Plymouth*
Brian A. Joyce	*Norfolk, Bristol and Plymouth*
Barry R. Finegold	*Second Essex and Middlesex*
Michael O. Moore	*Second Worcester*
Michael R. Knapik	*Second Hampden and Hampshire*
Marc R. Pacheco	*First Plymouth and Bristol*
Michael F. Rush	*Norfolk and Suffolk*
Angelo L. D'Emilia	*8th Plymouth*
Antonio F. D. Cabral	*13th Bristol*
Bruce E. Tarr	*First Essex and Middlesex*
Keiko M. Orrall	*12th Bristol*
John P. Fresolo	*16th Worcester*
Shaunna O'Connell	*3rd Bristol*

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By Mr. Rodrigues, a petition (accompanied by bill, Senate, No. 887) of Michael J. Rodrigues, Brian A. Joyce, Barry R. Finegold, Michael O. Moore and other members of the General Court for legislation relative to the pooling of tips. Labor and Workforce Development.

The Commonwealth of Massachusetts

An Act relative to the pooling of tips.

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 2010 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.