

**HOUSE . . . . . No. 4814**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Ten**  
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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:*

1           SECTION 1. Section 152A of chapter 149 of the General Laws, as appearing in the 2008  
2 Official Edition, is hereby amended by inserting after the word ‘responsibility’, in line 8, the  
3 following words:- ; provided, however, that a shift supervisor in a quick service restaurant  
4 whose only managerial responsibilities include: (i) providing on-the-job training for regular wait  
5 staff as to an employer's policies and procedures; or (ii) assigning employees to their posts; and  
6 (iii) has no authority to hire or fire employees, shall qualify as a wait staff employee for purposes  
7 of this section .

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

10           “Quick service restaurant”, an establishment selling food or beverages where products  
11 are served to patrons primarily over a sales counter or a drive up window sales point, where there  
12 is minimal or no service to patrons seated at tables, and where all employees are paid at least the  
13 minimum required hourly wage for non-service employees.