

HOUSE No. 2294

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 adoption of the accompanying bill:

An Act relative to the fair distribution of gratuities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Linda Dorcena Forry</i>	<i>12th Suffolk</i>	<i>1/21/2011</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>	<i>2/1/2011</i>
<i>James B. Eldridge</i>		<i>2/3/2011</i>
<i>Christine E. Canavan</i>	<i>10th Plymouth</i>	<i>2/3/2011</i>
<i>Karen E. Spilka</i>		<i>2/4/2011</i>

HOUSE No. 2294

By Ms. Forry of Boston, a petition (accompanied by bill, House, No. 2294) of Linda Dorcena Forry and others relative to the pooling of tips for certain service employees. Labor and Workforce Development.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 2576 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to the fair distribution of gratuities.

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 27C of chapter 149 of the General Laws, as appearing in the 2008
2 Official Edition, is hereby amended by inserting after the figure “148B”, in lines 4 and 14, each
3 time it appears, the following words:- , 152A.

4 SECTION 2. Section 152A of said chapter 149, as so appearing, is hereby amended by
5 inserting, after the word “responsibility” in line 8, the following words:- ; provided, however,
6 that a shift supervisor in a quick service restaurant whose only managerial responsibilities
7 include: (i) providing on-the-job training for regular wait staff as to an employer's policies and
8 procedures; or (ii) assigning employees to their posts; but (iii) has no authority to hire or fire
9 employees or effectively recommend these actions, shall qualify as a wait staff employee for
10 purposes of this section; provided further, that reporting of workplace infractions or making

11 suggestions for employment by a shift supervisor shall not be considered as authority to hire or
12 fire.

13 SECTION 3. Said section 152A of said chapter 149, as so appearing, is hereby further
14 amended by inserting after the definition of “Patron”, the following definition:-

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