

SENATE No. 960

The Commonwealth of Massachusetts

PRESENTED BY:

Michael F. Rush

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 tips.

PETITION OF:

NAME:

Michael F. Rush

DISTRICT/ADDRESS:

Norfolk and Suffolk

SENATE No. 960

By Mr. Rush, a petition (accompanied by bill, Senate, No. 960) of Michael F. Rush for legislation relative to the fair distribution of tips . Labor and Workforce Development.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to the fair distribution 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
2 in the 2008 Official Edition, is hereby amended by inserting after the word ‘ responsibility ’ , in
3 line 8, the following words:- ; provided, however, that a team leader in a quick service restaurant
4 shall qualify as a wait staff employee for purposes of this section.

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

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

11 “Team Leader”, a person who (a) works in a quick service restaurant and who
12 provides service, beverages or food directly to customers or consumers; (b) may not have any
13 authority over other members , including authority to hire or fire; (c) is appointed on permanent

14 or rotating basis to represent the team to the next higher reporting level; (d) makes decisions in
15 the absence of a supervisor; (e) coordinates team efforts; (f) explains team goals and objectives
16 to assigned team members and assist team in organizing to accomplish work; (g) coaches,
17 facilitates, solves work problems and participates in the work of the team; (h) provides
18 information to the supervisor on performance of the team; (i) communicates assignments,
19 milestones and deadlines to the team and individuals based on supervisor's instructions; (j)
20 observes training needs and relays training needs and requests to supervisor; (k) informs
21 supervisor of attendance and behavioral problems; (l) relays request for resources and supplies.