SENATE DOCKET, NO. 1003 FILED ON: 1/17/2013

SENATE . . . . . No. 862

The Commonwealth of Massachusetts

PRESENTED BY:

John Hart, Jr.

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 to further protect an employee's right to tips.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
John Hart, Jr.	*First Suffolk*

SENATE DOCKET, NO. 1003 FILED ON: 1/17/2013

SENATE . . . . . No. 862

By Mr. Hart, a petition (accompanied by bill, Senate, No. 862) of John Hart, Jr. for legislation to further protect an employee's right to tips. Labor and Workforce Development.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act to further protect an employee's right to 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: Subsection (a) of Section 152A of chapter 149 of the General Laws as enacted by Chapter 125, section 13, of the Acts of 2004 is amended by inserting in the second paragraph the word " and" immediately following " tables;" and deleting so much of the meaning of "Wait staff employee" that follows " served;".

SECTION 2: Subsection (c) of said Section 152A of the General Laws, as so appearing, is amended by deleting so much of the first sentence that follows the word " person" where it appears the second time and inserting in place thereof the following words: - who does not perform the work of a " Wait staff employee" as described in Subsection(a) and does not remit any wage, tip or service charge in the same manner and proportion as other participants in the tip pool.

SECTION 3: The first paragraph Subsection (d) of said Section 152A of the General Laws, as so appearing is amended by deleting the word "or" where it last appears in said paragraph and by deleting the words that follow " bartenders" and inserting in their place the following words: - or other employees who perform the work of a " Wait staff employee" as described in Subsection (a). Any such service charge or tip shall be remitted in proportion to the service provided by those employees.