

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Paul R. Heroux, (BY REQUEST)

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 kitchen staff tip pooling.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Russ Morin</i>	<i>95 Frank Mossberg Drive Attleboro, MA 02703</i>	<i>1/20/2016</i>

HOUSE No.

By Mr. Heroux of Attleboro (by request), a petition (subject to Joint Rule 12) of Russ Morin relative to tipping of employees who perform duties in the kitchen but provide no direct services to customers. Labor and Workforce Development.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to kitchen staff tip pooling.

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 2014
2 Official Edition, is hereby amended by inserting before the definition of “Wait staff employee”
3 the following definition:-

4 “Kitchen staff employee”, a person who works in a restaurant, banquet facility, or other
5 place where prepared food or beverages are served, who performs duties in the kitchen but
6 provides no direct service to customers.

7 SECTION 2. Said section 152A of said chapter 149, as so appearing, is hereby further
8 amended by inserting after the word “patron”, in lines 41 and 42, the following words:- ,except
9 that a kitchen staff employee participating in a permitted tip pool may accept such payment as
10 part of the tip pooling agreement.

11 SECTION 3. Said section 152A of said chapter 149, as so appearing, is hereby further
12 amended by inserting after the word “bartender”, in lines 49 and 50, the following words:-

13 ,except that an employer may permit wait staff employees, service employees, or service
14 bartenders to participate in a tip pool through which such employees remit wages, tips, service
15 charges, or any portion thereof, for distribution to kitchen staff employees.

16 SECTION 4. Said section 152A of said chapter 149, as so appearing, is hereby further
17 amended by inserting after the word “employees”, in line 57, the following words:- ,or to kitchen
18 staff employees pursuant to a permitted tip pool.