SENATE DOCKET, NO. 824 FILED ON: 1/15/2015

SENATE . . . . . No. 1001

The Commonwealth of Massachusetts

PRESENTED BY:

Michael J. Rodrigues

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 pooling of tips.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Michael J. Rodrigues	*First Bristol and Plymouth*	
Brian A. Joyce	*Norfolk, Bristol and Plymouth*	
Daniel A. Wolf	*Cape and Islands*	
Marc R. Pacheco	*First Plymouth and Bristol*	
Bruce E. Tarr	*First Essex and Middlesex*	
Michael O. Moore	*Second Worcester*	
Viriato M. deMacedo	*Plymouth and Barnstable*	
William N. Brownsberger	*Second Suffolk and Middlesex*	
Michael F. Rush	*Norfolk and Suffolk*	

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SENATE . . . . . No. 1001

By Mr. Rodrigues, a petition (accompanied by bill, Senate, No. 1001) of Michael J. Rodrigues, Brian A. Joyce, Daniel A. Wolf, Marc R. Pacheco and others for legislation relative to the pooling of tips. Labor and Workforce Development.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *887* OF 2013-2014.]

The Commonwealth of Massachusetts

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

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:

SECTION 1. Section 152A of said chapter 149, as so appearing, is hereby amended by inserting after the word ‘ responsibility ’ , in line 8, the following words:- ; provided, however, that a supervisor in a quick service restaurant who customarily and regularly serves patrons or customers and whose job duties do not qualify him or her as an employee employed in a bona fide executive capacity as defined in 29 C.F.R. §§541.100 (a)(2)-(4)et seq., shall qualify as a wait staff employee for purposes of this section.

SECTION 2. Said section 152A of said chapter 149, as so appearing, is hereby further amended by inserting after the definition ‘ Patron ’ the following definition:- “ Quick service restaurant ” , a type of restaurant or similar establishment selling food or beverages where products are served to patrons primarily over a sales counter or a drive up window sales point,

11 where there is minimal or no direct service to patrons seated at tables, and where employees are
12 paid at least the minimum required hourly wage for non-service employees pursuant to section 1
13 of Chapter 151.

14 SECTION 3. Nothing in this chapter shall prohibit an employer from establishing a
15 policy prohibiting the acceptance of gratuities.