

SENATE No. 1004

The Commonwealth of Massachusetts

PRESENTED BY:

Kenneth J. Donnelly

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 improve the Commonwealth’s economy with a strong minimum wage and a strong tipped minimum wage.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Kenneth J. Donnelly</i>	<i>Fourth Middlesex</i>	
<i>James R. Miceli</i>	<i>19th Middlesex</i>	<i>1/26/2017</i>
<i>Jack Lewis</i>	<i>7th Middlesex</i>	<i>1/26/2017</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>1/26/2017</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>1/26/2017</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>1/26/2017</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>1/26/2017</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/26/2017</i>
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>	<i>1/26/2017</i>
<i>Thomas M. McGee</i>	<i>Third Essex</i>	<i>1/26/2017</i>
<i>Byron Rushing</i>	<i>9th Suffolk</i>	<i>1/26/2017</i>
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>	<i>1/26/2017</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>1/26/2017</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>	<i>1/26/2017</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>	<i>1/26/2017</i>
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>	<i>1/26/2017</i>
<i>Evandro C. Carvalho</i>	<i>5th Suffolk</i>	<i>1/26/2017</i>

<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>1/26/2017</i>
<i>Cynthia Stone Creem</i>	<i>First Middlesex and Norfolk</i>	<i>1/27/2017</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>1/27/2017</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>	<i>1/27/2017</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>	<i>1/30/2017</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>1/30/2017</i>
<i>Harriette L. Chandler</i>	<i>First Worcester</i>	<i>1/30/2017</i>
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>	<i>1/31/2017</i>
<i>Jay R. Kaufman</i>	<i>15th Middlesex</i>	<i>1/31/2017</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>1/31/2017</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/31/2017</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>	<i>2/1/2017</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>2/1/2017</i>
<i>Juana B. Matias</i>	<i>16th Essex</i>	<i>2/1/2017</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>	<i>2/2/2017</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>	<i>2/2/2017</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>2/2/2017</i>
<i>Sonia Chang-Diaz</i>	<i>Second Suffolk</i>	<i>2/2/2017</i>
<i>Adam G. Hinds</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>	<i>2/2/2017</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>2/3/2017</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/3/2017</i>
<i>Linda Dorcena Forry</i>	<i>First Suffolk</i>	<i>2/3/2017</i>
<i>James T. Welch</i>	<i>Hampden</i>	<i>2/3/2017</i>
<i>Eric P. Lesser</i>	<i>First Hampden and Hampshire</i>	<i>2/3/2017</i>
<i>Brian Murray</i>	<i>10th Worcester</i>	<i>2/3/2017</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>2/3/2017</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>2/3/2017</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>2/3/2017</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>	<i>2/3/2017</i>

SENATE No. 1004

By Mr. Donnelly, a petition (accompanied by bill, Senate, No. 1004) of Kenneth J. Donnelly, James R. Miceli, Jack Lewis, Sal N. DiDomenico and other members of the General Court for legislation to improve the Commonwealth’s economy with a strong minimum wage and a strong tipped minimum wage. Labor and Workforce Development.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act to improve the Commonwealth’s economy with a strong minimum wage and a strong tipped minimum wage.

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 1 of chapter 151 of the General Laws, as appearing in the 2014
2 Official Edition, is hereby amended by striking out the word “It”, in line 27, and inserting in
3 place thereof the following words:- Notwithstanding the provisions of section 27C of chapter 29
4 or any other general or special law to the contrary, it.

5 SECTION 2. Said section 1 of said chapter 151, as so appearing, is hereby further
6 amended by inserting before the word “employer”, in line 28, the following words:- public or
7 private.

8 SECTION 3. Said section 1 of said chapter 151, as so appearing, is hereby further
9 amended by striking out the figure “11.00”, in line 32, and inserting in place thereof the
10 following figure:- 12.00.

11 SECTION 4. Said section 1 of said chapter 151, as so appearing, is hereby further
12 amended by inserting after the word “hour”, in line 32, the following words:- as of January 1,
13 2018; \$13.00 per hour as of January 1, 2019; \$14.00 per hour as of January 1, 2020; and \$15.00
14 per hour as of January 1, 2021.

15 SECTION 5. Said section 1 of said chapter 151, as so appearing, is hereby further
16 amended by inserting after the word “nine.”, in line 37, the following sentences:-

17 On January 1, 2022, and each January 1st thereafter, the minimum wage rate that is
18 currently conclusively presumed to be oppressive and unreasonable under this section shall be
19 increased by the increase, if any, in the cost of living. The increase in the cost of living shall be
20 measured by the percentage increase, if any, as of August of the previous year over the level as
21 of August of the year preceding that of the Consumer Price Index for Urban Wage Earners and
22 Clerical Workers (CPI-W), or its successor index as published by the U.S. Department of Labor
23 or its successor agency, with the amount of the minimum wage increase rounded up to the
24 nearest multiple of 5 cents.

25 SECTION 6. Said chapter 151 is hereby further amended by inserting after section 2B the
26 following section:-

27 Section 2C. Notwithstanding section 17 of chapter 15D or any general or special law to
28 the contrary, the department of early education and care shall be deemed the employer of family
29 childcare providers, as defined by section 17(a) of chapter 15D, and family childcare providers
30 shall be deemed employed persons, for purposes of this chapter. Notwithstanding any general or
31 special law to the contrary, the attorney general of the commonwealth shall determine the
32 minimum rates to be paid by the department of early education and care to family childcare

33 providers, and promulgate any regulations necessary for purposes of determining the minimum
34 rates, in order that the rates are substantially equivalent to the minimum wage provisions set
35 forth in section 1 of this chapter.

36 SECTION 7. Section 7 of said chapter 151, as so appearing, is hereby amended by
37 striking the third paragraph and inserting in place thereof the following paragraph:-

38 In determining the wage an employer is required to pay a tipped employee, the amount
39 paid to such employee by the employer shall be an amount equal to: (1) the cash wage paid such
40 employee which for purposes of such determination shall be not less than \$5.25; and (2) an
41 additional amount on account of the tips received by such employee which amount is equal to the
42 difference between the wage specified in clause (1) and the wage in effect under section 1. The
43 additional amount on account of tips may not exceed the value of the tips actually received by an
44 employee. This paragraph shall not apply with respect to any tipped employee unless such
45 employee has been informed by the employer of the provisions of this paragraph, and all tips
46 received by such employee have been retained by the employee, except that this paragraph shall
47 not be construed to prohibit the pooling of tips among employees who customarily and regularly
48 receive tips.

49 SECTION 8. Said section 7 of said chapter 151, as so appearing, is hereby amended by
50 striking the third paragraph and inserting in place thereof the following paragraph:-

51 In determining the wage an employer is required to pay a tipped employee, the amount
52 paid to such employee by the employer shall be an amount equal to: (1) the cash wage paid such
53 employee which for purposes of such determination shall be not less than \$6.75; and (2) an
54 additional amount on account of the tips received by such employee which amount is equal to the

55 difference between the wage specified in clause (1) and the wage in effect under section 1. The
56 additional amount on account of tips may not exceed the value of the tips actually received by an
57 employee. This paragraph shall not apply with respect to any tipped employee unless such
58 employee has been informed by the employer of the provisions of this paragraph, and all tips
59 received by such employee have been retained by the employee, except that this paragraph shall
60 not be construed to prohibit the pooling of tips among employees who customarily and regularly
61 receive tips.

62 SECTION 9. Said section 7 of said chapter 151, as so appearing, is hereby amended by
63 striking the third paragraph and inserting in place thereof the following paragraph:-

64 In determining the wage an employer is required to pay a tipped employee, the amount
65 paid to such employee by the employer shall be an amount equal to: (1) the cash wage paid such
66 employee which for purposes of such determination shall be not less than \$8.25; and (2) an
67 additional amount on account of the tips received by such employee which amount is equal to the
68 difference between the wage specified in clause (1) and the wage in effect under section 1. The
69 additional amount on account of tips may not exceed the value of the tips actually received by an
70 employee. This paragraph shall not apply with respect to any tipped employee unless such
71 employee has been informed by the employer of the provisions of this paragraph, and all tips
72 received by such employee have been retained by the employee, except that this paragraph shall
73 not be construed to prohibit the pooling of tips among employees who customarily and regularly
74 receive tips.

75 SECTION 10. Said section 7 of said chapter 151, as so appearing, is hereby amended by
76 striking the third paragraph and inserting in place thereof the following paragraph:-

77 In determining the wage an employer is required to pay a tipped employee, the amount
78 paid to such employee by the employer shall be an amount equal to: (1) the cash wage paid such
79 employee which for purposes of such determination shall be not less than \$9.75; and (2) an
80 additional amount on account of the tips received by such employee which amount is equal to the
81 difference between the wage specified in clause (1) and the wage in effect under section 1. The
82 additional amount on account of tips may not exceed the value of the tips actually received by an
83 employee. This paragraph shall not apply with respect to any tipped employee unless such
84 employee has been informed by the employer of the provisions of this paragraph, and all tips
85 received by such employee have been retained by the employee, except that this paragraph shall
86 not be construed to prohibit the pooling of tips among employees who customarily and regularly
87 receive tips.

88 SECTION 11. Said section 7 of said chapter 151, as so appearing, is hereby amended by
89 striking the third paragraph and inserting in place thereof the following paragraph:-

90 In determining the wage an employer is required to pay a tipped employee, the amount
91 paid to such employee by the employer shall be an amount equal to: (1) the cash wage paid such
92 employee which for purposes of such determination shall be not less than \$11.25; and (2) an
93 additional amount on account of the tips received by such employee which amount is equal to the
94 difference between the wage specified in clause (1) and the wage in effect under section 1. The
95 additional amount on account of tips may not exceed the value of the tips actually received by an
96 employee. This paragraph shall not apply with respect to any tipped employee unless such
97 employee has been informed by the employer of the provisions of this paragraph, and all tips
98 received by such employee have been retained by the employee, except that this paragraph shall

99 not be construed to prohibit the pooling of tips among employees who customarily and regularly
100 receive tips.

101 SECTION 12. Said section 7 of said chapter 151, as so appearing, is hereby amended by
102 striking the third paragraph and inserting in place thereof the following paragraph:-

103 In determining the wage an employer is required to pay a tipped employee, the amount
104 paid to such employee by the employer shall be an amount equal to: (1) the cash wage paid such
105 employee which for purposes of such determination shall be not less than \$12.75; and (2) an
106 additional amount on account of the tips received by such employee which amount is equal to the
107 difference between the wage specified in clause (1) and the wage in effect under section 1. The
108 additional amount on account of tips may not exceed the value of the tips actually received by an
109 employee. This paragraph shall not apply with respect to any tipped employee unless such
110 employee has been informed by the employer of the provisions of this paragraph, and all tips
111 received by such employee have been retained by the employee, except that this paragraph shall
112 not be construed to prohibit the pooling of tips among employees who customarily and regularly
113 receive tips.

114 SECTION 13. Said section 7 of said chapter 151, as so appearing, is hereby amended by
115 striking the third paragraph and inserting in place thereof the following paragraph:-

116 In determining the wage an employer is required to pay a tipped employee, the amount
117 paid to such employee by the employer shall be an amount equal to: (1) the cash wage paid such
118 employee which for purposes of such determination shall be not less than \$14.25; and (2) an
119 additional amount on account of the tips received by such employee which amount is equal to the
120 difference between the wage specified in clause (1) and the wage in effect under section 1. The

121 additional amount on account of tips may not exceed the value of the tips actually received by an
122 employee. This paragraph shall not apply with respect to any tipped employee unless such
123 employee has been informed by the employer of the provisions of this paragraph, and all tips
124 received by such employee have been retained by the employee, except that this paragraph shall
125 not be construed to prohibit the pooling of tips among employees who customarily and regularly
126 receive tips.

127 SECTION 14. Said section 7 of said chapter 151, as so appearing, is hereby amended by
128 striking the third paragraph and inserting in place thereof the following paragraph:-

129 In determining the wage an employer is required to pay a tipped employee, the amount
130 paid to such employee by the employer shall be an amount equal to: (1) the cash wage paid such
131 employee which for purposes of such determination shall be not less than \$15.75; and (2) an
132 additional amount on account of the tips received by such employee which amount is equal to the
133 difference between the wage specified in clause (1) and the wage in effect under section 1. The
134 additional amount on account of tips may not exceed the value of the tips actually received by an
135 employee. This paragraph shall not apply with respect to any tipped employee unless such
136 employee has been informed by the employer of the provisions of this paragraph, and all tips
137 received by such employee have been retained by the employee, except that this paragraph shall
138 not be construed to prohibit the pooling of tips among employees who customarily and regularly
139 receive tips.

140 SECTION 15. Said section 7 of said chapter 151, as so appearing, is hereby amended by
141 striking the third paragraph and inserting in place thereof the following paragraph:-

142 In determining the wage an employer is required to pay a tipped employee, the amount
143 paid to such employee by the employer shall be an amount equal to not less than the wage in
144 effect under section 1.

145 SECTION 16. Sections 1, 2, 3, 4, 5, 6 and 7 shall take effect on January 1, 2018.

146 SECTION 17. Section 8 shall take effect on January 1, 2019.

147 SECTION 18. Section 9 shall take effect on January 1, 2020.

148 SECTION 19. Section 10 shall take effect on January 1, 2021.

149 SECTION 20. Section 11 shall take effect on January 1, 2022.

150 SECTION 21. Section 12 shall take effect on January 1, 2023.

151 SECTION 22. Section 13 shall take effect on January 1, 2024.

152 SECTION 23. Section 14 shall take effect on January 1, 2025.

153 SECTION 24. Section 15 shall take effect on January 1, 2026.