

**SENATE . . . . . No. 1042**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***Michael J. Rodrigues***

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*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.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Michael J. Rodrigues</i>	<i>First Bristol and Plymouth</i>	
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>2/3/2017</i>

**SENATE . . . . . No. 1042**

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By Mr. Rodrigues, a petition (accompanied by bill, Senate, No. 1042) of Michael J. Rodrigues and Bruce E. Tarr for legislation relative to the pooling of tips. Labor and Workforce Development.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 1001 OF 2015-2016.]

**The Commonwealth of Massachusetts**

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

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

7           SECTION 2. Said section 152A of said chapter 149, as so appearing, is hereby further  
8 amended by inserting after the definition ‘ Patron ’ the following definition:- “ Quick service  
9 restaurant ” , a type of restaurant or similar establishment selling food or beverages where  
10 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.