HOUSE DOCKET, NO. 2659 FILED ON: 1/17/2019

HOUSE . . . . . No. 1617

The Commonwealth of Massachusetts

PRESENTED BY:

Tricia Farley-Bouvier

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 requiring one fair wage.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Tricia Farley-Bouvier	*3rd Berkshire*	*1/17/2019*
Ruth B. Balser	*12th Middlesex*	*1/18/2019*
Christine P. Barber	*34th Middlesex*	*1/23/2019*
Michael J. Barrett	*Third Middlesex*	*1/29/2019*
Jennifer E. Benson	*37th Middlesex*	*1/29/2019*
Natalie M. Blais	*1st Franklin*	*1/28/2019*
Peter Capano	*11th Essex*	*1/31/2019*
Mike Connolly	*26th Middlesex*	*1/28/2019*
Marjorie C. Decker	*25th Middlesex*	*1/31/2019*
Mindy Domb	*3rd Hampshire*	*1/31/2019*
Daniel M. Donahue	*16th Worcester*	*2/1/2019*
James B. Eldridge	*Middlesex and Worcester*	*1/17/2019*
Sean Garballey	*23rd Middlesex*	*1/31/2019*
Denise C. Garlick	*13th Norfolk*	*1/29/2019*
Carmine Lawrence Gentile	*13th Middlesex*	*1/23/2019*
Carlos González	*10th Hampden*	*1/22/2019*
Tami L. Gouveia	*14th Middlesex*	*2/1/2019*
James K. Hawkins	*2nd Bristol*	*1/30/2019*

Jonathan Hecht	*29th Middlesex*	*2/1/2019*
Natalie M. Higgins	*4th Worcester*	*1/24/2019*
Patricia D. Jehlen	*Second Middlesex*	*1/17/2019*
Mary S. Keefe	*15th Worcester*	*1/30/2019*
Kay Khan	*11th Middlesex*	*1/29/2019*
David Henry Argosky LeBoeuf	*17th Worcester*	*1/31/2019*
Jack Patrick Lewis	*7th Middlesex*	*1/18/2019*
Jason M. Lewis	*Fifth Middlesex*	*1/23/2019*
Jay D. Livingstone	*8th Suffolk*	*1/29/2019*
Adrian C. Madaro	*1st Suffolk*	*1/28/2019*
Joseph W. McGonagle, Jr.	*28th Middlesex*	*2/1/2019*
Mathew J. Muratore	*1st Plymouth*	*1/29/2019*
Denise Provost	*27th Middlesex*	*1/18/2019*
Angelo J. Puppolo, Jr.	*12th Hampden*	*1/24/2019*
Rebecca L. Rausch	*Norfolk, Bristol and Middlesex*	*1/30/2019*
Maria Duaime Robinson	*6th Middlesex*	*1/25/2019*
David M. Rogers	*24th Middlesex*	*1/28/2019*
Daniel J. Ryan	*2nd Suffolk*	*1/31/2019*
Lindsay N. Sabadosa	*1st Hampshire*	*1/31/2019*
Thomas M. Stanley	*9th Middlesex*	*1/28/2019*
Tommy Vitolo	*15th Norfolk*	*1/29/2019*

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HOUSE . . . . . No. 1617

By Ms. Farley-Bouvier of Pittsfield, a petition (accompanied by bill, House, No. 1617) of Tricia Farley-Bouvier and others relative to determining the wages employers are required to pay tipped employees. Labor and Workforce Development.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

An Act requiring one fair wage.

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 7 of said chapter 151, as appearing in the 2016 Official Edition, is hereby amended by striking the third paragraph, as amended by Chapter 121 of the Acts of 2018, and inserting in place thereof the following paragraph:-

In determining the wage an employer is required to pay a tipped employee, the amount paid to such employee by the employer shall be an amount equal to: (1) the cash wage paid such employee which for purposes of such determination shall be not less than $6.45; and (2) an additional amount on account of the tips received by such employee which amount is equal to the difference between the wage specified in clause (1) and the wage in effect under section 1. The additional amount on account of tips may not exceed the value of the tips actually received by an employee. This paragraph shall not apply with respect to any tipped employee unless such employee has been informed by the employer of the provisions of this paragraph, and all tips received by such employee have been retained by the employee, except that this paragraph shall

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

SECTION 2. Said section 7 of said chapter 151, as so appearing, is hereby amended by striking the third paragraph and inserting in place thereof the following paragraph:-

In determining the wage an employer is required to pay a tipped employee, the amount paid to such employee by the employer shall be an amount equal to: (1) the cash wage paid such employee which for purposes of such determination shall be not less than $7.95; and (2) an additional amount on account of the tips received by such employee which amount is equal to the difference between the wage specified in clause (1) and the wage in effect under section 1. The additional amount on account of tips may not exceed the value of the tips actually received by an employee. This paragraph shall not apply with respect to any tipped employee unless such employee has been informed by the employer of the provisions of this paragraph, and all tips received by such employee have been retained by the employee, except that this paragraph shall not be construed to prohibit the pooling of tips among employees who customarily and regularly receive tips.

SECTION 3. Said section 7 of said chapter 151, as so appearing, is hereby amended by striking the third paragraph and inserting in place thereof the following paragraph:-

In determining the wage an employer is required to pay a tipped employee, the amount paid to such employee by the employer shall be an amount equal to: (1) the cash wage paid such employee which for purposes of such determination shall be not less than $9.45; and (2) an additional amount on account of the tips received by such employee which amount is equal to the difference between the wage specified in clause (1) and the wage in effect under section 1. The

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

SECTION 4. Said section 7 of said chapter 151, as so appearing, is hereby amended by striking the third paragraph and inserting in place thereof the following paragraph:-

In determining the wage an employer is required to pay a tipped employee, the amount paid to such employee by the employer shall be an amount equal to: (1) the cash wage paid such employee which for purposes of such determination shall be not less than $10.95; and (2) an additional amount on account of the tips received by such employee which amount is equal to the difference between the wage specified in clause (1) and the wage in effect under section 1. The additional amount on account of tips may not exceed the value of the tips actually received by an employee. This paragraph shall not apply with respect to any tipped employee unless such employee has been informed by the employer of the provisions of this paragraph, and all tips received by such employee have been retained by the employee, except that this paragraph shall not be construed to prohibit the pooling of tips among employees who customarily and regularly receive tips.

SECTION 5. Said section 7 of said chapter 151, as so appearing, is hereby amended by striking the third paragraph and inserting in place thereof the following paragraph:-

In determining the wage an employer is required to pay a tipped employee, the amount paid to such employee by the employer shall be an amount equal to: (1) the cash wage paid such employee which for purposes of such determination shall be not less than $12.45; and (2) an additional amount on account of the tips received by such employee which amount is equal to the difference additional amount on account of tips may not exceed the value of the tips actually received by an employee. This paragraph shall not apply with respect to any tipped employee unless such employee has been informed by the employer of the provisions of this paragraph, and all tips received by such employee have been retained by the employee, except that this paragraph shall not be construed to prohibit the pooling of tips among employees who customarily and regularly receive tips.

SECTION 6. 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:-

In determining the wage an employer is required to pay a tipped employee, the amount paid to such employee by the employer shall be an amount equal to: (1) the cash wage paid such employee which for purposes of such determination shall be not less than $13.95; and (2) an additional amount on account of the tips received by such employee which amount is equal to the difference between the wage specified in clause (1) and the wage in effect under section 1. The additional amount on account of tips may not exceed the value of the tips actually received by an employee. This paragraph shall not apply with respect to any tipped employee unless such employee has been informed by the employer of the provisions of this paragraph, and all tips received by such employee have been retained by the employee, except that this paragraph shall not be construed to prohibit the pooling of tips among employees who customarily and regularly receive tips.

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

Beginning on January 1, 2027, and no later than January 1 of each successive year, in determining the wage an employer is required to pay a tipped employee, the amount paid to such employee by the employer shall be an amount equal to not less than the wage in effect under section 1.

SECTION 8. Chapter 121 of the Acts of 2018 is hereby amended by striking sections 24-26.

SECTION 9. Chapter 121 of the Acts of 2018 is hereby further amended by striking, in section 33, the figure:- 24.

SECTION 10. Chapter 121 of the Acts of 2018 is hereby further amended by striking, in section 35, the figure:- 25.

SECTION 11. Chapter 121 of the Acts of 2018 is hereby further amended by striking, in section 36, the figure:- 26.

SECTION 12. Section 1, and 8-11 shall take effect on January 1, 2021.

SECTION 13. Section 2 shall take effect on January 1, 2022.

SECTION 14. Section 3 shall take effect on January 1, 2023.

SECTION 15. Section 4 shall take effect on January 1, 2024.

SECTION 16. Section 5 shall take effect on January 1, 2025.

SECTION 17. Section 6 shall take effect on January 1, 2026.

SECTION 18. Section 7 shall take effect on January 1, 2027.