

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Paul McMurtry

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 authorizing the distribution of tips to certain restaurant employees during the COVID-19 pandemic.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>5/20/2020</i>
<i>Frank A. Moran</i>	<i>17th Essex</i>	<i>5/21/2020</i>
<i>David T. Vieira</i>	<i>3rd Barnstable</i>	<i>5/21/2020</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>	<i>5/21/2020</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>5/21/2020</i>
<i>Natalie M. Blais</i>	<i>1st Franklin</i>	<i>5/21/2020</i>
<i>Edward J. Kennedy</i>	<i>First Middlesex</i>	<i>5/21/2020</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>	<i>5/21/2020</i>
<i>Maria Duaiame Robinson</i>	<i>6th Middlesex</i>	<i>5/21/2020</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>	<i>5/21/2020</i>
<i>Kathleen R. LaNatra</i>	<i>12th Plymouth</i>	<i>5/21/2020</i>
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>	<i>5/21/2020</i>
<i>Bruce J. Ayers</i>	<i>1st Norfolk</i>	<i>5/21/2020</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>	<i>5/21/2020</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>5/21/2020</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>5/21/2020</i>
<i>Paul J. Donato</i>	<i>35th Middlesex</i>	<i>5/21/2020</i>

<i>Marcos A. Devers</i>	<i>16th Essex</i>	<i>5/22/2020</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>5/22/2020</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>	<i>5/22/2020</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	<i>5/22/2020</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>5/22/2020</i>
<i>Ann-Margaret Ferrante</i>	<i>5th Essex</i>	<i>5/22/2020</i>
<i>Dylan A. Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>	<i>5/22/2020</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>5/22/2020</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>	<i>5/22/2020</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>5/22/2020</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>	<i>5/22/2020</i>
<i>David K. Muradian, Jr.</i>	<i>9th Worcester</i>	<i>5/22/2020</i>
<i>Paul F. Tucker</i>	<i>7th Essex</i>	<i>5/22/2020</i>
<i>David Biele</i>	<i>4th Suffolk</i>	<i>5/22/2020</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>5/22/2020</i>
<i>Daniel R. Carey</i>	<i>2nd Hampshire</i>	<i>5/23/2020</i>
<i>Susannah M. Whipps</i>	<i>2nd Franklin</i>	<i>5/26/2020</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>	<i>5/26/2020</i>
<i>Kate Lipper-Garabedian</i>	<i>32nd Middlesex</i>	<i>5/26/2020</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>5/26/2020</i>
<i>Mark J. Cusack</i>	<i>5th Norfolk</i>	<i>5/26/2020</i>
<i>Michael S. Day</i>	<i>31st Middlesex</i>	<i>5/26/2020</i>
<i>Kate Hogan</i>	<i>3rd Middlesex</i>	<i>5/26/2020</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>5/26/2020</i>
<i>John Barrett, III</i>	<i>1st Berkshire</i>	<i>5/26/2020</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>5/26/2020</i>
<i>Jon Santiago</i>	<i>9th Suffolk</i>	<i>5/26/2020</i>
<i>William L. Crocker, Jr.</i>	<i>2nd Barnstable</i>	<i>5/26/2020</i>
<i>John C. Velis</i>	<i>4th Hampden</i>	<i>5/26/2020</i>
<i>RoseLee Vincent</i>	<i>16th Suffolk</i>	<i>5/26/2020</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>5/26/2020</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>	<i>5/26/2020</i>
<i>Linda Dean Campbell</i>	<i>15th Essex</i>	<i>5/27/2020</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>5/27/2020</i>
<i>Stephan Hay</i>	<i>3rd Worcester</i>	<i>5/27/2020</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>	<i>5/27/2020</i>
<i>Edward F. Coppinger</i>	<i>10th Suffolk</i>	<i>5/27/2020</i>
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>	<i>5/28/2020</i>
<i>Richard M. Haggerty</i>	<i>30th Middlesex</i>	<i>5/29/2020</i>

HOUSE No.

By Mr. McMurtry of Dedham, a petition (subject to Joint Rule 12) of Paul McMurtry and others for legislation to authorize the distribution of tips to certain restaurant employees during the COVID-19 pandemic. Labor and Workforce Development.

The Commonwealth of Massachusetts

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

An Act authorizing the distribution of tips to certain restaurant employees during the COVID-19 pandemic.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to permit kitchen staff to receive tips during the COVID-19 pandemic in the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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. For the purposes of this act, the following words shall, unless the context
2 clearly requires otherwise, have the following meanings:-

3 “Employer”, any person or entity having employees in its service, including an owner or
4 officer of an establishment employing kitchen staff, or any person whose primary responsibility
5 is the management or supervision of kitchen staff.

6 “Kitchen staff”, a person, including a chef, sous chef, line cook, prep cook, kitchen
7 assistant and dishwasher, who: (1) works in the kitchen of a restaurant, banquet facility or other
8 place where food or beverages are served; and (2) who has no managerial responsibility.

9 “Patron”, any person who is served prepared food for dine out or delivery at an
10 establishment including, but not limited to, any restaurant, banquet facility or other place at
11 which prepared food or beverage is served, or any person who pays a tip or service charge.

12 “Service charge”, a fee charged by an employer to a patron in lieu of a tip to any
13 employee involved with the preparation and service of food or beverage, including wait staff
14 employee, service employee, service bartender or kitchen staff, including any fee designated as a
15 service charge, tip, gratuity or fee that a patron or customer would reasonably expect to be given
16 to wait staff employee, service employee, service bartender or kitchen staff in lieu of, or in
17 addition to, a tip.

18 “Tip”, a sum of money, including any amount designated by a credit card patron, a gift
19 or a gratuity, given as an acknowledgement of any service performed.

20 SECTION 2. Notwithstanding section 152A of chapter 149 of the General Laws or any
21 other general or special law to the contrary, from the effective date of this act until the
22 termination of the governor’s March 10, 2020 state of emergency declaration in response to the
23 2019 novel coronavirus, also known as COVID-19, an employer may permit a tip pool or
24 distribution of a portion of any tip or service charge given by a patron to include kitchen staff, in
25 addition to wait staff employees, service employees and service bartenders pursuant to said
26 section 152A of said chapter 149.