

SENATE No. 1188

The Commonwealth of Massachusetts

PRESENTED BY:

Patricia D. Jehlen

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:	
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>1/25/2023</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>1/31/2023</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>1/31/2023</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>1/31/2023</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>1/31/2023</i>
<i>Jacob R. Oliveira</i>	<i>Hampden, Hampshire and Worcester</i>	<i>2/3/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/17/2023</i>

SENATE No. 1188

By Ms. Jehlen, a petition (accompanied by bill, Senate, No. 1188) of Patricia D. Jehlen, Rebecca L. Rausch, Jack Patrick Lewis, Vanna Howard and other members of the General Court for legislation to require one fair wage. Labor and Workforce Development.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1213 OF 2021-2022.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

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:

1 SECTION 1. Section 7 of said chapter 151, as appearing in the 2016 Official Edition, is
2 hereby amended by striking the third paragraph, as amended by Chapter 121 of the Acts of 2018,
3 and inserting in place thereof the following paragraph:-

4 In determining the wage an employer is required to pay a tipped employee, the amount
5 paid to such employee by the employer shall be an amount equal to: (1) the cash wage paid such
6 employee which for purposes of such determination shall be not less than \$6.75; and (2) an
7 additional amount on account of the tips received by such employee which amount is equal to the
8 difference between the wage specified in clause (1) and the wage in effect under section 1. The
9 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 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. Section 152A of Chapter 149, as appearing in the 2016 Official Edition, is hereby amended by adding after the word “bartender” in line 50, the following:- “;provided, however that if an employer is paying all employees a wage that is not less than the full minimum wage the employer may require that wait staff employees, service employees or service bartenders to participate in a tip pool through which such employee remits any wage, tip or service charge, or any portion thereof, for distribution to employees that are not wait staff employees, service employees or service bartenders.”

SECTION 9. Chapter 121 of the Acts of 2018 is hereby amended by striking sections 24-26.

SECTION 10. Chapter 121 of the Acts of 2018 is hereby further amended by striking, in section 33, the figure:- 24.

96 SECTION 11. Chapter 121 of the Acts of 2018 is hereby further amended by striking, in
97 section 35, the figure:- 25.

98 SECTION 12. Chapter 121 of the Acts of 2018 is hereby further amended by striking, in
99 section 36, the figure:- 26.

100 SECTION 13. Section 1, and 8-11 shall take effect on January 1, 2025.

101 SECTION 14. Section 2 shall take effect on January 1, 2026.

102 SECTION 15. Section 3 shall take effect on January 1, 2027.

103 SECTION 16. Section 4 shall take effect on January 1, 2028.

104 SECTION 17. Section 5 shall take effect on January 1, 2029.

105 SECTION 18. Section 6 shall take effect on January 1, 2030.

106 SECTION 19. Section 7 shall take effect on January 1, 2031.