

**HOUSE . . . . . No. 02294**

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The Commonwealth of Massachusetts

PRESENTED BY:

*Linda Dorcena Forry*

*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 passage of the accompanying bill:

An Act relative to the fair distribution of gratuities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Linda Dorcena Forry</i>	<i>12th Suffolk</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Christine E. Canavan</i>	<i>10th Plymouth</i>
<i>Karen E. Spilka</i>	<i>Second Middlesex and Norfolk</i>

# HOUSE . . . . . No. 02294

By Ms. Forry of Boston, a petition (accompanied by bill, House, No. 2294) of Linda Dorcena Forry and others relative to the pooling of tips for certain service employees. Labor and Workforce Development.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE  
□ SENATE  
□ , NO. 2576 OF 2009-2010.]

## The Commonwealth of Massachusetts

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**In the Year Two Thousand Eleven**  
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An Act relative to the fair distribution of gratuities.

*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 27C of chapter 149 of the General Laws, as appearing in the 2008 Official  
2 Edition, is hereby amended by inserting after the figure “148B”, in lines 4 and 14, each time it  
3 appears, the following words:- , 152A.

4 SECTION 2. Section 152A of said chapter 149, as so appearing, is hereby amended by inserting,  
5 after the word “responsibility” in line 8, the following words:- ; provided, however, that a shift  
6 supervisor in a quick service restaurant whose only managerial responsibilities include: (i)  
7 providing on-the-job training for regular wait staff as to an employer's policies and procedures;  
8 or (ii) assigning employees to their posts; but (iii) has no authority to hire or fire employees or  
9 effectively recommend these actions, shall qualify as a wait staff employee for purposes of this

10 section; provided further, that reporting of workplace infractions or making suggestions for  
11 employment by a shift supervisor shall not be considered as authority to hire or fire.

12 SECTION 3. Said section 152A of said chapter 149, as so appearing, is hereby further amended  
13 by inserting after the definition of “Patron”, the following definition:-

14 “Quick Service Restaurant”, an establishment selling food or beverages where products  
15 are served to patrons primarily over a sales counter or a drive up window sales point, where there  
16 is minimal or no service to patrons seated at tables and where all employees are paid at least the  
17 minimum required hourly wage for non-service employees.”