

**SENATE . . . . . No. 00960**

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The Commonwealth of Massachusetts

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PRESENTED BY:

***Michael F. Rush***

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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 passage of the accompanying bill:

An Act relative to the fair distribution of tips .

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PETITION OF:

NAME:

*Michael F. Rush*

DISTRICT/ADDRESS:

*Suffolk and Norfolk*

**SENATE . . . . . No. 00960**

By Mr. Rush, petition (accompanied by bill, Senate, No. 960) of Rush for legislation relative to the fair distribution of tips [Joint Committee on Labor and Workforce Development].

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to the fair distribution 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 chapter 149 of the General Laws, as appearing in the  
2 2008 Official Edition, is hereby amended by inserting after the word ‘ responsibility ’ , in line 8,  
3 the following words:- ; provided, however, that a team leader in a quick service restaurant shall  
4 qualify as a wait staff employee for purposes of this section.

5           SECTION 2. Said section 152A of said chapter 149, as so appearing, is hereby  
6 further amended by inserting after the definition ‘ Patron ’ the following definitions:-

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

11                   “Team Leader”, a person who (a) works in a quick service restaurant and who  
12 provides service, beverages or food directly to customers or consumers; (b) may not have any  
13 authority over other members , including authority to hire or fire; (c) is appointed on permanent  
14 or rotating basis to represent the team to the next higher reporting level; (d) makes decisions in  
15 the absence of a supervisor; (e) coordinates team efforts; (f) explains team goals and objectives  
16 to assigned team members and assist team in organizing to accomplish work; (g) coaches,  
17 facilitates, solves work problems and participates in the work of the team; (h) provides  
18 information to the supervisor on performance of the team; (i) communicates assignments,  
19 milestones and deadlines to the team and individuals based on supervisor’s instructions; (j)  
20 observes training needs and relays training needs and requests to supervisor; (k) informs  
21 supervisor of attendance and behavioral problems; (l) relays request for resources and supplies.