

HOUSE BILL NO. HB0112

Tip distribution policies.

Sponsored by: Representative(s) Petroff, Kroeker, Madden
and Stubson and Senator(s) Christensen and
Driskill

A BILL

for

1 AN ACT relating to labor and employment; authorizing
2 employers to set policies regarding tip and gratuity
3 pooling and distribution as specified; and providing for an
4 effective date.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 27-4-507(a) is amended to read:

9

10 **27-4-507. Tips and gratuities; unlawful to pay lower**
11 **wage than that agreed upon; unlawful to fraudulently fail**
12 **to pay fringe benefits agreed upon.**

13

14 (a) Tips and gratuities received by an employee or
15 employees shall be the sole property of such employee or
16 employees and not payable in whole or in part to the

1 employer or any other person provided that this requirement
2 shall not prevent an employer from setting and enforcing
3 policies regarding the pooling and distribution of tips and
4 gratuities among staff directly serving customers, subject
5 to the following:

6
7 (i) Food service establishment personnel
8 directly serving customers include wait staff, bus staff,
9 service bartenders, hosts, counter personnel who serve
10 customers, and chefs if they prepare food at tableside;

11
12 (ii) A tip and gratuity pooling and distribution
13 policy shall not provide for distribution of tips and
14 gratuities to food service personnel not directly serving
15 customers, including but not limited to dishwashers,
16 kitchen staff and janitors;

17
18 (iii) Where an individual is the primary server
19 responsible for food and drinks, that individual shall not
20 be required to contribute more than fifteen percent (15%)
21 of tips and gratuities to a tip pool;

22

1 (iv) Only tips and gratuities in excess of the
2 federal minimum wage, after counting employer paid wages,
3 tips and gratuities shall be eligible for tip pooling;

4
5 (v) In service industries such as providers of
6 sport or recreational opportunities as defined in W.S.
7 1-1-122(a)(iii), dude ranches, spas as defined in W.S.
8 35-28-101(a)(x) and travel tour guides, employer policies
9 regarding pooling and distribution may recognize that other
10 types of employees, in addition to those identified in
11 paragraph (i) of this subsection, are usual and customary
12 recipients of tips and gratuities.

13

14 **Section 2.** This act is effective July 1, 2013.

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16

(END)