

**HOUSE . . . . . No. 3142**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Ann-Margaret Ferrante*

*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 relative to the pooling of tips.

PETITION OF:

NAME:

*Ann-Margaret Ferrante*

DISTRICT/ADDRESS:

*5th Essex*

**HOUSE . . . . . No. 3142**

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By Ms. Ferrante of Gloucester, a petition (accompanied by bill, House, No. 3142) of Ann-Margaret Ferrante relative to the pooling of tips. Labor and Workforce Development.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1704 OF 2015-2016.]

**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninetieth General Court  
(2017-2018)**  
\_\_\_\_\_

An Act relative to the pooling 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 2008  
2 Official Edition, is hereby amended by inserting after the word ‘responsibility’, in line 8, the  
3 following words: - ;provided, however, that a supervisor in a quick service restaurant who serves  
4 patrons or customers and whose job duties do not qualify him or her as an employee employed in  
5 a bona fide executive capacity as defined in 29 C.F.R. §§541.100 (a)(2)-(4)et seq., shall qualify  
6 as a wait staff employee for purposes of this section.

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

9           “Quick service restaurant”, an establishment selling food or beverages where products are  
10 served to patrons primarily over a sales counter or a drive up window sales point, where there is

11 minimal or no direct service to patrons seated at tables, and where employees are paid at least the  
12 minimum required hourly wage for non-service employees pursuant to Chapter 151.

13 SECTION 3. Nothing in this chapter shall prohibit an employer from establishing a  
14 policy prohibiting the acceptance of gratuities.