

HOUSE No. 870

By Mr. Smith of Lynn, petition of the Mass. State Labor Council and James E. Smith relative to protecting the minimum wage of certain employees who receive gratuities. Commerce and Labor.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Five.

AN ACT TO PROTECT THE MINIMUM WAGE OF GRATUITY EMPLOYEES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 The second paragraph of Section 7 of Chapter 151 of the
2 General Laws is hereby amended by striking out the following
3 phrase:— “and except for service people who customarily and
4 regularly receive more than twenty dollars a month in tips and
5 in determining whose minimum fair wage rates the amount paid
6 such employee by his employer shall be deemed to be increased
7 on account of tips by an amount determined by the employer,
8 but not by an amount in excess of forty per cent of the
9 applicable minimum wage rate provided in section one, except
10 that in the case of an employee, who by himself or through his
11 representative, shows to the satisfaction of the commission that
12 the actual amount of tips received by him was less than the
13 amount determined by the employer as the amount by which the
14 wage paid him was deemed to be increased under this provision,
15 the amount paid such employee by his employer shall be deemed
16 to have been increased by such lesser amount”

