SENATE DOCKET, NO. 1664 FILED ON: 1/21/2011

SENATE . . . . . No. 922

The Commonwealth of Massachusetts

PRESENTED BY:

Benjamin B. Downing

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:

An Act relative to the pooling of tips.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Benjamin B. Downing	*Berkshire, Hampshire, and Franklin*

SENATE DOCKET, NO. 1664 FILED ON: 1/21/2011

SENATE . . . . . No. 922

By Mr. Downing, petition (accompanied by bill, Senate, No. 922) of Downing for legislation relative to the pooling of tips [Joint Committee on Labor and Workforce Development].

The Commonwealth of Massachusetts

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:

SECTION 1. Subsection (a) of section 152A of chapter 149 of the General Laws, as appearing in the 2008 Official Edition, is amended by striking the definition for "Employer" with the following:

"Employer" any entity having employees in its service, including a corporation, partnership or sole proprietorship employing wait staff employees, service employees, or service bartenders."

SECTION 2: Subsection (d) of section 152A of chapter 149 of the General Laws, as so appearing, shall be amended to add the following sentences to the end thereof:- The employer shall not be liable for any good faith effort to comply with section 152A after notification of an alleged violation of this section of the General Laws.

SECTION 3: Section 152A of chapter 149 of the General Laws is hereby amended by inserting after subsection (g) the following:-

(h) This section shall supercede and pre-empt any common law claims previously available to any potential claimant. The purpose of this pre-emption is to preclude duplicative recovery. Any claim brought under this section shall be subject to a three (3) year statute of limitations and a claimant shall be barred from reliance on any other common law statute(s) of limitations."

SECTION 4: The effective date of this act shall be September 8, 2004.