

The Commonwealth of Massachusetts

PRESENTED BY:

Kenneth J. Donnelly

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 to improve the Commonwealth's economy with a strong minimum wage and a strong tipped minimum wage.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Kenneth J. Donnelly	Fourth Middlesex	
James R. Miceli	19th Middlesex	1/26/2017
Jack Lewis	7th Middlesex	1/26/2017
Sal N. DiDomenico	Middlesex and Suffolk	1/26/2017
Michael J. Barrett	Third Middlesex	1/26/2017
Michael D. Brady	Second Plymouth and Bristol	1/26/2017
Marjorie C. Decker	25th Middlesex	1/26/2017
Jason M. Lewis	Fifth Middlesex	1/26/2017
Carmine L. Gentile	13th Middlesex	1/26/2017
Thomas M. McGee	Third Essex	1/26/2017
Byron Rushing	9th Suffolk	1/26/2017
Barbara A. L'Italien	Second Essex and Middlesex	1/26/2017
Steven Ultrino	33rd Middlesex	1/26/2017
José F. Tosado	9th Hampden	1/26/2017
William N. Brownsberger	Second Suffolk and Middlesex	1/26/2017
Mark C. Montigny	Second Bristol and Plymouth	1/26/2017
Evandro C. Carvalho	5th Suffolk	1/26/2017

Thomas M. Stanley	9th Middlesex	1/26/2017
Cynthia Stone Creem	First Middlesex and Norfolk	1/27/2017
Patricia D. Jehlen	Second Middlesex	1/27/2017
John J. Lawn, Jr.	10th Middlesex	1/27/2017
Daniel J. Ryan	2nd Suffolk	1/30/2017
Denise Provost	27th Middlesex	1/30/2017
Harriette L. Chandler	First Worcester	1/30/2017
Thomas J. Calter	12th Plymouth	1/31/2017
Jay R. Kaufman	15th Middlesex	1/31/2017
James B. Eldridge	Middlesex and Worcester	1/31/2017
Kay Khan	11th Middlesex	1/31/2017
John F. Keenan	Norfolk and Plymouth	2/1/2017
Mike Connolly	26th Middlesex	2/1/2017
Juana B. Matias	16th Essex	2/1/2017
Walter F. Timilty	Norfolk, Bristol and Plymouth	2/2/2017
Tricia Farley-Bouvier	3rd Berkshire	2/2/2017
Mary S. Keefe	15th Worcester	2/2/2017
Sonia Chang-Diaz	Second Suffolk	2/2/2017
Adam G. Hinds	Berkshire, Hampshire, Franklin and	2/2/2017
	Hampden	2/2/2017
Julian Cyr	Cape and Islands	2/3/2017
Michael O. Moore	Second Worcester	2/3/2017
Linda Dorcena Forry	First Suffolk	2/3/2017
James T. Welch	Hampden	2/3/2017
Eric P. Lesser	First Hampden and Hampshire	2/3/2017
Brian Murray	10th Worcester	2/3/2017
Elizabeth A. Malia	11th Suffolk	2/3/2017
Michelle M. DuBois	10th Plymouth	2/3/2017
David M. Rogers	24th Middlesex	2/3/2017
Chris Walsh	6th Middlesex	2/3/2017

SENATE DOCKET, NO. 984 FILED ON: 1/19/2017

SENATE No. 1004

By Mr. Donnelly, a petition (accompanied by bill, Senate, No. 1004) of Kenneth J. Donnelly, James R. Miceli, Jack Lewis, Sal N. DiDomenico and other members of the General Court for legislation to improve the Commonwealth's economy with a strong minimum wage and a strong tipped minimum wage. Labor and Workforce Development.

The Commonwealth of Massachusetts

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

An Act to improve the Commonwealth's economy with a strong minimum wage and a strong tipped minimum wage.

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 1 of chapter 151 of the General Laws, as appearing in the 2014

2 Official Edition, is hereby amended by striking out the word "It", in line 27, and inserting in

3 place thereof the following words:- Notwithstanding the provisions of section 27C of chapter 29

4 or any other general or special law to the contrary, it.

5 SECTION 2. Said section 1 of said chapter 151, as so appearing, is hereby further

6 amended by inserting before the word "employer", in line 28, the following words:- public or

7 private.

8 SECTION 3. Said section 1 of said chapter 151, as so appearing, is hereby further

9 amended by striking out the figure "11.00", in line 32, and inserting in place thereof the

10 following figure:- 12.00.

11	SECTION 4. Said section 1 of said chapter 151, as so appearing, is hereby further
12	amended by inserting after the word "hour", in line 32, the following words:- as of January 1,
13	2018; \$13.00 per hour as of January 1, 2019; \$14.00 per hour as of January 1, 2020; and \$15.00
14	per hour as of January 1, 2021.
15	SECTION 5. Said section 1 of said chapter 151, as so appearing, is hereby further
16	amended by inserting after the word "nine.", in line 37, the following sentences:-
17	On January 1, 2022, and each January 1st thereafter, the minimum wage rate that is
18	currently conclusively presumed to be oppressive and unreasonable under this section shall be
19	increased by the increase, if any, in the cost of living. The increase in the cost of living shall be
20	measured by the percentage increase, if any, as of August of the previous year over the level as
21	of August of the year preceding that of the Consumer Price Index for Urban Wage Earners and
22	Clerical Workers (CPI-W), or its successor index as published by the U.S. Department of Labor
23	or its successor agency, with the amount of the minimum wage increase rounded up to the
24	nearest multiple of 5 cents.
25	SECTION 6. Said chapter 151 is hereby further amended by inserting after section 2B the

26 following section:-

Section 2C. Notwithstanding section 17 of chapter 15D or any general or special law to the contrary, the department of early education and care shall be deemed the employer of family childcare providers, as defined by section 17(a) of chapter 15D, and family childcare providers shall be deemed employed persons, for purposes of this chapter. Notwithstanding any general or special law to the contrary, the attorney general of the commonwealth shall determine the minimum rates to be paid by the department of early education and care to family childcare providers, and promulgate any regulations necessary for purposes of determining the minimum
rates, in order that the rates are substantially equivalent to the minimum wage provisions set
forth in section 1 of this chapter.

36 SECTION 7. Section 7 of said chapter 151, as so appearing, is hereby amended by
 37 striking the third paragraph and inserting in place thereof the following paragraph:-

38 In determining the wage an employer is required to pay a tipped employee, the amount 39 paid to such employee by the employer shall be an amount equal to: (1) the cash wage paid such 40 employee which for purposes of such determination shall be not less than \$5.25; and (2) an 41 additional amount on account of the tips received by such employee which amount is equal to the 42 difference between the wage specified in clause (1) and the wage in effect under section 1. The 43 additional amount on account of tips may not exceed the value of the tips actually received by an 44 employee. This paragraph shall not apply with respect to any tipped employee unless such 45 employee has been informed by the employer of the provisions of this paragraph, and all tips 46 received by such employee have been retained by the employee, except that this paragraph shall 47 not be construed to prohibit the pooling of tips among employees who customarily and regularly 48 receive tips.

49 SECTION 8. Said section 7 of said chapter 151, as so appearing, is hereby amended by
 50 striking the third paragraph and inserting in place thereof the following paragraph:-

In determining the wage an employer is required to pay a tipped employee, the amount paid to such employee by the employer shall be an amount equal to: (1) the cash wage paid such employee which for purposes of such determination shall be not less than \$6.75; and (2) an additional amount on account of the tips received by such employee which amount is equal to the difference between the wage specified in clause (1) and the wage in effect under section 1. The additional amount on account of tips may not exceed the value of the tips actually received by an employee. This paragraph shall not apply with respect to any tipped employee unless such employee has been informed by the employer of the provisions of this paragraph, and all tips received by such employee have been retained by the employee, except that this paragraph shall not be construed to prohibit the pooling of tips among employees who customarily and regularly receive tips.

SECTION 9. Said section 7 of said chapter 151, as so appearing, is hereby amended by
 striking the third paragraph and inserting in place thereof the following paragraph:-

64 In determining the wage an employer is required to pay a tipped employee, the amount 65 paid to such employee by the employer shall be an amount equal to: (1) the cash wage paid such 66 employee which for purposes of such determination shall be not less than \$8.25; and (2) an 67 additional amount on account of the tips received by such employee which amount is equal to the 68 difference between the wage specified in clause (1) and the wage in effect under section 1. The 69 additional amount on account of tips may not exceed the value of the tips actually received by an 70 employee. This paragraph shall not apply with respect to any tipped employee unless such 71 employee has been informed by the employer of the provisions of this paragraph, and all tips 72 received by such employee have been retained by the employee, except that this paragraph shall 73 not be construed to prohibit the pooling of tips among employees who customarily and regularly 74 receive tips.

SECTION 10. Said section 7 of said chapter 151, as so appearing, is hereby amended by
 striking the third paragraph and inserting in place thereof the following paragraph:-

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77 In determining the wage an employer is required to pay a tipped employee, the amount 78 paid to such employee by the employer shall be an amount equal to: (1) the cash wage paid such 79 employee which for purposes of such determination shall be not less than \$9.75; and (2) an 80 additional amount on account of the tips received by such employee which amount is equal to the 81 difference between the wage specified in clause (1) and the wage in effect under section 1. The 82 additional amount on account of tips may not exceed the value of the tips actually received by an 83 employee. This paragraph shall not apply with respect to any tipped employee unless such 84 employee has been informed by the employer of the provisions of this paragraph, and all tips 85 received by such employee have been retained by the employee, except that this paragraph shall 86 not be construed to prohibit the pooling of tips among employees who customarily and regularly 87 receive tips.

88 SECTION 11. Said section 7 of said chapter 151, as so appearing, is hereby amended by 89 striking the third paragraph and inserting in place thereof the following paragraph:-

90 In determining the wage an employer is required to pay a tipped employee, the amount 91 paid to such employee by the employer shall be an amount equal to: (1) the cash wage paid such 92 employee which for purposes of such determination shall be not less than \$11.25; and (2) an 93 additional amount on account of the tips received by such employee which amount is equal to the 94 difference between the wage specified in clause (1) and the wage in effect under section 1. The 95 additional amount on account of tips may not exceed the value of the tips actually received by an 96 employee. This paragraph shall not apply with respect to any tipped employee unless such 97 employee has been informed by the employer of the provisions of this paragraph, and all tips 98 received by such employee have been retained by the employee, except that this paragraph shall

99 not be construed to prohibit the pooling of tips among employees who customarily and regularly100 receive tips.

SECTION 12. Said section 7 of said chapter 151, as so appearing, is hereby amended by
 striking the third paragraph and inserting in place thereof the following paragraph:-

103 In determining the wage an employer is required to pay a tipped employee, the amount 104 paid to such employee by the employer shall be an amount equal to: (1) the cash wage paid such 105 employee which for purposes of such determination shall be not less than \$12.75; and (2) an 106 additional amount on account of the tips received by such employee which amount is equal to the 107 difference between the wage specified in clause (1) and the wage in effect under section 1. The 108 additional amount on account of tips may not exceed the value of the tips actually received by an 109 employee. This paragraph shall not apply with respect to any tipped employee unless such 110 employee has been informed by the employer of the provisions of this paragraph, and all tips 111 received by such employee have been retained by the employee, except that this paragraph shall 112 not be construed to prohibit the pooling of tips among employees who customarily and regularly 113 receive tips.

SECTION 13. Said section 7 of said chapter 151, as so appearing, is hereby amended by
striking the third paragraph and inserting in place thereof the following paragraph:-

In determining the wage an employer is required to pay a tipped employee, the amount paid to such employee by the employer shall be an amount equal to: (1) the cash wage paid such employee which for purposes of such determination shall be not less than \$14.25; and (2) an additional amount on account of the tips received by such employee which amount is equal to the difference between the wage specified in clause (1) and the wage in effect under section 1. The

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additional amount on account of tips may not exceed the value of the tips actually received by an
employee. This paragraph shall not apply with respect to any tipped employee unless such
employee has been informed by the employer of the provisions of this paragraph, and all tips
received by such employee have been retained by the employee, except that this paragraph shall
not be construed to prohibit the pooling of tips among employees who customarily and regularly
receive tips.

SECTION 14. Said section 7 of said chapter 151, as so appearing, is hereby amended by
striking the third paragraph and inserting in place thereof the following paragraph:-

129 In determining the wage an employer is required to pay a tipped employee, the amount 130 paid to such employee by the employer shall be an amount equal to: (1) the cash wage paid such 131 employee which for purposes of such determination shall be not less than \$15.75; and (2) an 132 additional amount on account of the tips received by such employee which amount is equal to the 133 difference between the wage specified in clause (1) and the wage in effect under section 1. The 134 additional amount on account of tips may not exceed the value of the tips actually received by an 135 employee. This paragraph shall not apply with respect to any tipped employee unless such 136 employee has been informed by the employer of the provisions of this paragraph, and all tips 137 received by such employee have been retained by the employee, except that this paragraph shall 138 not be construed to prohibit the pooling of tips among employees who customarily and regularly 139 receive tips.

SECTION 15. Said section 7 of said chapter 151, as so appearing, is hereby amended bystriking the third paragraph and inserting in place thereof the following paragraph:-

142	In determining the wage an employer is required to pay a tipped employee, the amount
143	paid to such employee by the employer shall be an amount equal to not less than the wage in
144	effect under section 1.
145	SECTION 16. Sections 1, 2, 3, 4, 5, 6 and 7 shall take effect on January 1, 2018.
146	SECTION 17. Section 8 shall take effect on January 1, 2019.
147	SECTION 18. Section 9 shall take effect on January 1, 2020.
148	SECTION 19. Section 10 shall take effect on January 1, 2021.
149	SECTION 20. Section 11 shall take effect on January 1, 2022.
150	SECTION 21. Section 12 shall take effect on January 1, 2023.
151	SECTION 22. Section 13 shall take effect on January 1, 2024.
152	SECTION 23. Section 14 shall take effect on January 1, 2025.
153	SECTION 24. Section 15 shall take effect on January 1, 2026.