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SECOND SUFFOLK AND
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June 9, 2011

Representative Cheryl A. Coakley-
Rivera, Chair
Joint Committee on Labor and
Workforce Development
State House, Room 39
Boston, MA 02133

Senator Daniel A. Wolf, Chair
Joint Committee on Labor and
Workforce Development
State House, Room 511B
Boston, MA 02133

Dear Chairpersons:

I write in opposition of several bills before the Joint Committee on Labor and Workforce Development today. *S. 922, An Act Relative to the Pooling of Tips*, *S. 960, An Act Relative to the Fair Distribution of Tips*, and *H. 2294, An Act Relative to the Pooling of Tips of Certain Service Employees* all seek to undermine state laws that have been put in place to protect workers and would create ambiguity in the service industry in regards to employee titles. I urge you to report these bills from your committee with a recommendation that the bills *ought not to pass*.

All three of these bills are unnecessary and would drastically scale back protections to workers. The Commonwealth has had a statute regarding tips for service employees since the 1950s, and in 2004 comprehensive legislation was enacted to further clarify this law and create a bright-line rule; any employee with managerial responsibilities cannot share in tips. The 2004 clarification has greatly reduced litigation and has led to more expeditious resolution of the cases that have been filed. Additionally, the 2004 law was put in place to protect workers and ensure that employees do not have to share their tips with the people who supervise them, assign their stations and oversee their work.

It is my understanding that these bills were instigated by employers who are looking to save money, by attempting to "supplement" these managers and supervisors wages out of the workers' tips and thereby diluting the tip pool. These bills create an unfair loophole and circumvent the original intent of the bright line rule created in the 2004 law. Finally, working families often rely on tips to help support themselves, now is certainly not the time to be undercutting wages of Massachusetts workers.

Again, I urge the you to report *S. 922, An Act Relative to the Pooling of Tips, S. 960, An Act Relative to the Fair Distribution of Tips, and H. 2294, An Act Relative to the Pooling of Tips of Certain Service Employees* from your committee with a recommendation that the bills *ought not to pass*. Thank you very much for your consideration. If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,



Steven A. Tolman