CONSENT CALENDAR

May 25, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Labor, Industrial and Rehabilitative Services to which was referred SB 269,

AN ACT relative to tip pooling and sharing. Having considered the same, report the same with the recommendation that the bill OUGHT TO PASS.

Rep. Lino Avellani

FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

Committee:	**Labor, Industrial and Rehabilitative Services**
Bill Number:	**SB 269**
Title:	**relative to tip pooling and sharing.**
Date:	**May 25, 2023**
Consent Calendar:	**CONSENT**
Recommendation:	**OUGHT TO PASS**

STATEMENT OF INTENT

This bill as presented is basically clarifying existing law to remove the ambiguity that the Department of Labor was having with a certain segment of the restaurant industry in relation to wages and tip pooling.

Vote 20-0.

Rep. Lino Avellani
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Labor, Industrial and Rehabilitative Services

SB 269, relative to tip pooling and sharing. **OUGHT TO PASS.**

Rep. Lino Avellani for Labor, Industrial and Rehabilitative Services. This bill as presented is basically clarifying existing law to remove the ambiguity that the Department of Labor was having with a certain segment of the restaurant industry in relation to wages and tip pooling. **Vote 20-0.**

Original: House Clerk
Cc: Committee Bill File

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

EXECUTIVE SESSION on SB 269

BILL TITLE: relative to tip pooling and sharing.

DATE: May 25, 2023

LOB ROOM: 305-307

MOTIONS: OUGHT TO PASS

Moved by Rep. Avellani Seconded by Rep. B. Sullivan Vote: 20-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Kristina Schultz, Clerk

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/9/2023 12:04:41 PM
Roll Call Committee Registers Report

2023 SESSION

Labor, Industrial and Rehabilitative Services

Bill #: SB 269 Motion: OTP AM #: _____ Exec Session Date: May 25, 2023

Members	YEAS	Nays	NV
Infantine, William J. Chairman	X		
Seaworth, Brian Vice Chairman	X		
Avellani, Lino M.	X		
Prout, Andrew J.	X		
Love, David C.	X		
Boyd, Stephen E.	X		
Mason, James L.	X		
Colcombe, Riché	X		
Drago, Mike	X		
Granger, Michael E	X		
Sullivan, Brian M.	X		
Baroody, Benjamin C.	X		
Cahill, Michael D.	X		
DiSilvestro, Linda A.	X		
~~Soucy, Timothy A.~~ Mike O'Brien	X		
Bouchard, Donald J.	X		
~~Adjutant, Joshua O.~~ Crystal Lloyd	X		
MacKenzie, Mark S.	X		
Schultz, Kristina M.	X		
LeClerc, Daniel J	X		
TOTAL VOTE:	20	0	

1st Rep Avelanis
2nd Sullivan

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

PUBLIC HEARING ON SB 269

BILL TITLE: **relative to tip pooling and sharing.**

DATE: **April 13, 2023**

LOB ROOM: **305-307** **Time Public Hearing Called to Order:** **11:05 a.m.**

Time Adjourned: **11:45 a.m.**

Committee Members: Reps. Seaworth, Schultz, Avellani, Love, S. Boyd, Mason, Colcombe, Drago, Granger, Baroody, M. Cahill, Soucy, MacKenzie and LeClerc

Bill Sponsors:

Sen. Soucy	**Sen. Innis**	**Sen. Ricciardi**
Sen. Chandley	**Rep. Soucy**	**Rep. Seaworth**

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

- Jennifer Gallager for Senator Soucy - introduced for her because senate is in session.
- Mike Comers, NH Restaurants and Lodging Association - supports bill. Clarify terms of tips and taxes is a technical correction.
- James Reidy, Sheehan-Phinney - supports bill
- Rudy Odgen, neutral - this bill's language preserves intent.

Respectfully submitted,
Rep. Schultz, Clerk

House Remote Testify

Labor, Industrial and Rehabilitative Services Committee Testify List for Bill SB269 on 2

Support: 0 Oppose: 1 Neutral: 0 Total to Testify: 0

Export to Excel

Name	City, State Email Address	Title	Representing	Position	Testifying	Non-Germane	S
Richardson, Daniel	Nashua, NH daniel6_22@comcast.net	A Member of the Public	Myself	Oppose	No	No	4

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # SB 269 Date 4/13/23

Committee LABOR

**** Please Print All Information ****

Name	Address	Phone	Representing	(check one) Pro	Con

Daniel Richardson

Removing service charge in the definition of tip lessens the dollar amount available in a sharing pool because the employer is entitled to the full amount of service charge.

SB 269 - AS INTRODUCED

2023 SESSION

23-1058
05/10

SENATE BILL ***269***

AN ACT relative to tip pooling and sharing.

SPONSORS: Sen. Soucy, Dist 18; Sen. Innis, Dist 7; Sen. Ricciardi, Dist 9; Sen. Chandley, Dist 11; Rep. Soucy, Merr. 21; Rep. Seaworth, Merr. 12

COMMITTEE: Commerce

ANALYSIS

This bill removes a reference to service charge in the definition of tip, and provides that an employer may administer a valid tip pooling or tip sharing arrangement, including documenting agreed upon practice, provided that the employer does not requires or coerce employee participation.

- -

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

23-1058
05/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to tip pooling and sharing.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Minimum Wage Law; Definition of Tip. Amend RSA 279:1, XII to read as follows:

XII. "Tip" means money given to an employee by a customer, in cash or its equivalent, or transferred to the employee by the employer pursuant to directions from a credit card customer who designates a sum to be added to the bill as a tip, or added as a gratuity [~~or service charge~~] to a customer's bill, in recognition of service performed.

2 Tip Pooling and Sharing. Amend RSA 279:26-b to read as follows:

279:26-b Tip Pooling and Sharing.

I. Tips are wages and shall be the property of the employee receiving the tip and shall be retained by the employee, unless the employee voluntarily and without coercion from his or her employer agrees to participate in a tip pooling or tip sharing arrangement.

II. No employer is precluded from administering a valid tip pooling or tip sharing arrangement [~~at the request of the employee~~], including suggesting reasonable and customary practices, ***documenting agreed upon practice,*** and mediating disputes between employees regarding a valid tip pooling or tip sharing arrangement***, provided that the employer does not require or coerce employees to participate in the tip pooling or tip sharing arrangement***.

III. Nothing shall preclude employee participants in a tip pool from agreeing, voluntarily and without coercion ***from the employer***, to provide a portion of the common pool to other employees, regardless of job category, who participated in providing service to customers.

3 Effective Date. This act shall take effect 60 days after its passage.