CHAPTER 176
SB 269 - FINAL VERSION

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 require or coerce employee participation.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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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:

176:1 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.

176:2 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.

176:3 Effective Date. This act shall take effect 60 days after its passage.

Approved: July 28, 2023
Effective Date: September 26, 2023