

A bill for an act
relating to employment; providing notice of sharing of gratuities and authorizing
employers to safeguard and disburse shared gratuities; amending Minnesota
Statutes 2010, section 177.24, subdivision 3.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2010, section 177.24, subdivision 3, is amended to read:

Subd. 3. **Sharing of gratuities.** For purposes of this chapter, any gratuity received
by an employee or deposited in or about a place of business for personal services rendered
by an employee is the sole property of the employee. No employer may require an
employee to contribute or share a gratuity received by the employee with the employer
or other employees or to contribute any or all of the gratuity to a fund or pool operated
for the benefit of the employer or employees. This section does not prevent an employee
from voluntarily ~~and individually~~ sharing gratuities with other employees. The agreement
to share gratuities must be made by the employees free of any employer participation,
except that an employer may:

(1) upon the request of employees, safeguard gratuities to be shared by employees
and disburse shared gratuities to employees participating in the agreement;

(2) report the amounts received as required for tax purposes; and

(3) post a copy of this section for the information of employees.

The commissioner may require the employer to pay restitution in the amount of the
gratuities diverted. If the records maintained by the employer do not provide sufficient
information to determine the exact amount of gratuities diverted, the commissioner may
make a determination of gratuities diverted based on available evidence and mediate
a settlement with the employer.