SENATE
STATE OF MINNESOTA
EIGHTY-SEVENTH LEGISLATURE

S.F. No. 1280

(SENATE AUTHORS: THOMPSON, Higgins, Michel and Carlson)

DATE	D-PG	OFFICIAL STATUS
04/26/2011	1405	Introduction and first reading Referred to Jobs and Economic Growth
05/04/2011	1733a	Comm report: To pass as amended
	1747	Second reading
05/12/2011	2004a	General Orders: To pass as amended
05/14/2011	2041	Calendar: Third reading Passed
05/21/2011	3065	Returned from House with amendment
	3066	Senate not concur, conference committee of 3 requested
	3250	Senate conferees Thompson; Kruse; Tomassoni
05/22/2011	3258	House conferees Anderson, S.; O'Driscoll; Stensrud
05/23/2011	3297c	Conference committee report, delete everything Senate adopted CC report and repassed bill
	3298	Third reading
	3437	House adopted SCC report and repassed bill Presentment date 05/25/11
	3594	Governor's action Approval 05/27/11
	3594	Secretary of State Chapter 105 05/27/11 Effective date 08/01/11

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~~ without employer coercion or 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.