

**MEMORANDUM**

June 12, 2015

TO: Health and Human Services Committee

FROM: Robert H. Drummer, Senior Legislative Attorney



SUBJECT: **Worksession:** Expedited Bill 24-15, Human Rights – Minimum Wage – Tipped Employee – Amendments

Expedited Bill 24-15, Human Rights – Minimum Wage – Tipped Employee – Amendments, sponsored by Lead Sponsors Councilmembers Berliner, Katz, Council Vice President Floreen, and Councilmember Rice was introduced on May 21, 2015. A public hearing was held on June 9.

Bill 24-15 would:

- (1) modify the amount of the tip credit an employer can use to calculate the minimum wage for a tipped employee working in the County;
- (2) require an employer of a tipped employee to submit quarterly wage reports;
- (3) require the Executive to establish an online reporting system for quarterly wage reports; and
- (4) generally amend the law governing the minimum wage for a tipped employee working in the County.

**Background**

In November 2013, the County enacted Bill 27-13, Human Rights and Civil Liberties – County Minimum Wage – Dollar Amount, establishing the County minimum wage with phased increases on October 1 of each year through 2017. Earlier this year the Council modified some of the effective dates for the phased increases by enacting Bill 59-14, Human Rights and Civil Liberties – County Minimum Wage – Effective Dates.

A tipped employee under Bill 27-13 must be paid the County minimum wage, but the employer may subtract from the hourly wage paid a tip credit. The maximum tip credit is the County minimum wage less 50% of the State minimum wage. For example, the County minimum wage is \$8.40 per hour. The State minimum wage is currently \$8.00 per hour. Therefore, the maximum tip credit is \$8.40 less \$4.00 (50% of \$8.00) or \$4.40. Therefore, an employer must pay a tipped employee working in the County a base pay of \$4.00 per hour. If the employee does not earn enough in tips to cover the tip credit, the employer must make up the difference. However,

the maximum tip credit will change as the County minimum wage and the State minimum wage change over time. A chart showing the different wage rates and the tip credit over time is at ©5. The County minimum wage less the tip credit (the County base pay for a tipped employee) is always 50% of the State minimum wage, but it would change over time as the State minimum wage rises. However, the State minimum wage less the State tip credit (the State base pay for a tipped employee) remains at the current \$3.63 per hour. Bill 24-15 would keep the County base pay for a tipped employee at its current \$4.00 per hour as the State minimum wage rises. An employer would still have to ensure that a tipped employee working in the County receives enough tips to cover the tip credit.

The Bill would also require the Executive to establish an online reporting system and an employer would have to file a quarterly report certifying that each tipped employee received the minimum wage through the base pay plus tips.

### **Public Hearing**

Shelley Moskowitz, representing Jews United for Justice (©6) opposed the Bill because it would freeze the base pay for tipped employees. Ashlie Bagwell, Harris Jones & Malone, representing a coalition of County Restaurants, Dan Simons, owner of Founding Farmers Restaurants, Lynn Martins, Seibel's Restaurant, and Omar Martinez, Silver Diner Restaurant each supported the Bill. The restaurant representatives argued that forcing a restaurant to increase the base pay for their servers, who earn significantly more than the County minimum wage in tips, would give them less money to pay their non-tipped employees working in the kitchen. We also received similar written testimony from the Restaurant Association of Maryland (©7-9) and Clyde's Restaurant Group (©10-11).

### **Issues**

#### **1. What is the fiscal and economic impact of the Bill?**

OMB and Finance were unable to complete the fiscal and economic impact statement before the packet went to print. We will attach it as an addendum if we receive it before the worksession.

#### **2. Should the base pay for tipped employees be set at \$4.00 per hour?**

Tipped employees must be paid the County minimum wage for all hours worked in the County. If the sum of the base pay plus the tips received does not equal the County minimum wage, the employer must pay the employee the difference. The current base pay for tipped employees will keep rising as the State minimum wage rises. See the chart at (©5). The restaurant industry representatives argued that tipped employees in their restaurants already earn more than the minimum wage in tips alone. For example, the general manager for Seibel's Restaurant in Burtonsville, Lynn Martins, testified that the servers in her restaurant average \$22 per hour in tips. Therefore, raising the base pay for a server working at Seibel's would increase the pay for a server and reduce the amount of revenue available for the restaurant to pay non-tipped employees working in the kitchen. In addition, the rising base pay for tipped employees is complicated for

businesses to keep up with and difficult to enforce. **Council staff recommendation:** approve the provision setting base pay for tipped employees at \$4.00 per hour.

**3. Should the Bill require quarterly payroll reports?**

The Bill would require each employer in the County to send a quarterly payroll report to the Director of the Office of Human Rights within 30 days after the end of the quarter. The report must include a certification from the employer that each tipped employee was paid the County minimum wage. The Bill would also require the Executive to establish an internet based reporting system for an employer of a tipped employee to complete these reports.

By law, the Maryland Department of Labor Licensing and Regulation (DLLR) has authority to investigate complaints about the County’s minimum wage law and take action to enforce it. The County Office of Human Rights has concurrent authority to do so, but due to staffing limitations, routinely refers complaints to DLLR. However, according to Jenny Baker, Assistant Attorney General and counsel for the DLLR, the State would not accept a request to investigate an employer from the County resulting from a review of a payroll report required by Bill 24-15. (See ©12) DLLR only accepts complaints from an employee. Therefore, if a review of the payroll record indicates a violation, the County would have to either investigate the employer itself or ask an affected employee to file a complaint with the State directly.

None of the restaurant representatives objected to the proposed quarterly payroll reporting requirement. Although, it may not lead to greater enforcement by the State, it could encourage employers to comply with the law. **Council staff recommendation:** approve the new reporting requirement.

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Expedited Bill No. 24-15  
Concerning: Human Rights – Minimum  
Wage – Tipped Employee –  
Amendments  
Revised: May 19, 2015 Draft No. 2  
Introduced: May 21, 2015  
Expires: November 21, 2016  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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Lead Sponsors: Councilmembers Berliner, Katz, Council Vice President Floreen, and  
Councilmember Rice

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**AN EXPEDITED ACT** to:

- (1) modify the amount of the tip credit an employer can use to calculate the minimum wage for a tipped employee working in the County;
- (2) require an employer of a tipped employee to submit quarterly wage reports;
- (3) require the Executive to establish an online reporting system for quarterly wage reports; and
- (4) generally amend the law governing the minimum wage for a tipped employee working in the County.

By amending

Montgomery County Code  
Chapter 27, Human Rights and Civil Liberties  
Section 27-69

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

1           **Sec. 1. Section 27-69 is amended as follows:**

2   **27-69.       Tipped Employees.**

3           (a) *Definition.* As used in this Section, *tipped employee* means:

4                   (1) an employee who:

5                           (A) is engaged in an occupation in which the employee  
6   customarily and regularly receives more than \$30 each  
7   month in tips;

8                           (B) has been informed by the employer about the provisions of  
9   this Section; and

10                          (C) has kept all of the tips that the employee received.

11                   (2) Notwithstanding paragraph (1)(C), this Section does not prohibit  
12   the pooling of tips.

13           (b) *Computation of wage.* Except as provided in subsection (c), an  
14                   employer may include, as part of the wage of a tipped employee:

15                          (1) an amount that the employer sets to represent the tips of the  
16   employee; or

17                          (2) if the employee or representative of the employee satisfies the  
18   Director that the employee received a lesser amount in tips, the  
19   lesser amount.

20           (c) *Limit.* The tip credit amount that the employer may include under  
21                   subsection (b) must not exceed the County minimum wage less [50% of  
22                   the minimum wage required for that employee under the State Act]  
23                   \$4.00 per hour.

24           (d) *Reports.* An employer who employs a tipped employee in the County  
25                   must submit a quarterly wage report within 30 days after the end of each  
26                   quarter to the Director certifying that each tipped employee was paid the  
27                   minimum wage required by this Section.

28 (e) Online reporting system. The Executive must establish an internet  
29 based reporting system for an employer of a tipped employee to submit  
30 the quarterly wage report required by subsection (d).

31 **Sec. 2. Expedited Effective Date.**

32 The Council declares that this legislation is necessary for the immediate  
33 protection of the public interest. This Act takes effect on July 1, 2015.

34 *Approved:*

35

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George Leventhal, President, County Council Date

36 *Approved:*

37

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Isiah Leggett, County Executive Date

38 *This is a correct copy of Council action.*

39

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Linda M. Lauer, Clerk of the Council Date

## LEGISLATIVE REQUEST REPORT

Expedited Bill 24-15

*Human Rights – Minimum Wage – Tipped Employee – Amendments*

- DESCRIPTION:** Bill 24-15 would:
- (1) modify the amount of the tip credit an employer can use to calculate the minimum wage for a tipped employee working in the County;
  - (2) require an employer of a tipped employee to submit quarterly wage reports; and
  - (3) require the Executive to establish an online reporting system for quarterly wage reports.
- PROBLEM:** The changing base pay for a tipped employee has caused some confusion among employers in the County.
- GOALS AND OBJECTIVES:** Reduce confusion over the amount of base pay for a tipped employee.
- COORDINATION:** Human Rights, County Attorney
- FISCAL IMPACT:** To be determined.
- ECONOMIC IMPACT:**
- EVALUATION:** N/A
- EXPERIENCE ELSEWHERE:** Federal, State, and County minimum wages are different.
- SOURCE OF INFORMATION:** Robert H. Drummer, Senior Legislative Attorney
- APPLICATION WITHIN MUNICIPALITIES:** No change.
- PENALTIES:** No change.

**County and State Minimum Wage for Tipped Employees**

**County** minimum wage for tipped employees = County minimum wage minus County "tip credit."

**County** tip credit must not exceed the County minimum wage minus 50% of the State minimum wage.

**State** minimum wage for tipped employees = State minimum wage minus State "tip credit."

**State** tip credit must not exceed State minimum wage minus \$3.63.

Date	County minimum wage	Maximum County tip credit	County min. wage for tipped employees less max. tip credit	State minimum wage	Maximum State tip credit	State min. wage for tipped employees less max. tip credit
October 1, 2014	\$8.40	\$4.77	\$3.63	\$7.25	\$3.62	\$3.63
January 1, 2015	\$8.40	\$4.40	\$4.00	\$8.00	\$4.37	\$3.63
July 1, 2015	\$8.40	\$4.27	\$4.13	\$8.25	\$4.62	\$3.63
October 1, 2015	\$9.55	\$5.42	\$4.13	\$8.25	\$4.62	\$3.63
July 1, 2016	\$10.75	\$6.37	\$4.38	\$8.75	\$5.12	\$3.63
July 1, 2017	\$11.50	\$6.87	\$4.63	\$9.25	\$5.62	\$3.63
July 1, 2018	\$11.50	\$6.45	\$5.05	\$10.10	\$6.47	\$3.63

Testimony of Shelley Moskowitz  
on behalf of Jews United for Justice  
to  
Montgomery County Council  
Hearing on Expedited Bill 24-15,  
Human Rights - Minimum Wage - Tipped Employee Amendments

June 9, 2015

Good afternoon. My name is Shelley Moskowitz. I am here today on behalf of Jews United for Justice (JUFJ) which has an active and growing membership base in Montgomery County, Maryland. I have lived in the metro-DC region for over 25 years and I am a past President of JUFJ's Board of Directors. I want to thank the Council for holding this hearing today and giving me an opportunity to speak.

Bill 24-15 would modify the amount of the tip credit an employer can use to calculate the minimum wage for a tipped employee working in the County. It would require an employer of a tipped employee to submit quarterly wage reports and it would require the Executive to establish an online reporting system for those reports; and it generally amends the law governing the minimum wage for a tipped employee working in the County.

JUFJ and hundreds of our members were strong supporters of efforts to raise the minimum wage in Montgomery County and the state of Maryland. While the bill that went to the Governor's desk gradually raises the state minimum wage to \$10.10, it also included amendments favored by restaurant industry lobbyists that froze the wages of tipped workers at a sub-minimum rate of \$3.63 per hour. Montgomery County's minimum wage gradually increases to \$11.50 in 2018 with tipped workers' wages slated to be set at half of the rising state minimum wage. The bill under consideration today would lock Montgomery County's tipped workers' wages at \$4.00 per hour rather than allowing it to grow to \$5.05. Why? This may eliminate some confusion among County employers when they calculate the tip credit as the base state wage rises, but more than anything, it does a disservice to low-wage tipped workers. They must make up the gap by relying on tips that by their very nature are unpredictable – they can go up or down depending on the weather or the shift they are given. While some tipped workers at white tablecloth restaurants may earn a good living with tips, the average worker earns less than \$10 per hour. Since customers are unlikely to change their tipping behavior, it means that more tipped workers will be in danger of making less than minimum wage.

In theory, employers are supposed to pay their workers the amount needed to bring them up to minimum wage if their tips are too low. Unfortunately, few managers make it easy for workers to make up the difference and many employees are either unaware of this regulation or fear for their jobs if they speak up. Bill 24-15 may improve reporting, but it does not guarantee compliance.

Jewish tradition teaches that we have a duty to "speak up, judge righteously, champion the poor and the needy (Proverbs 31:9)." That is why I am here today. Seven states, including California and Minnesota already provide the same minimum wage for restaurant workers as for everyone else. We will continue to stand with tipped workers and we want to work with you to close the wage gap. Thank you.



## **Council Bill 24-15 Position and Issue Background**

The *Restaurant Association of Maryland* strongly supports Council Bill 24-15, which would freeze Montgomery County's tip wage at the current \$4.00/hour. Keeping Montgomery's tip wage at \$4.00 will help eliminate the confusion associated with annual tip wage increases and avoid putting Montgomery County's full-service restaurants at an even greater competitive disadvantage with regard to regional tip wages. At \$4.00/hour, Montgomery County's tip wage will still be higher than the frozen tip wages in the rest of Maryland and surrounding jurisdictions (MD & Prince George's County - \$3.63; D.C. - \$2.77; VA - \$2.13).

Given that tips are considered as wages, tipped employees are generally the highest hourly wage earners in a full-service restaurant, often making significantly more than minimum wage. Keeping the tip wage at \$4.00/hour also makes it easier for full-service restaurant operators to give raises to their non-tipped employees, which helps to reduce the hourly wage disparity between dining room staff and kitchen staff.

To address concerns about ensuring that tipped employees make at least the full hourly County minimum wage in combined tip wage plus tips, we also support this legislation's quarterly wage and hour reporting requirement for employers of tipped employees to ensure compliance. This information can be easily obtained from payroll reports.

### **BACKGROUND: UNDERSTANDING TIPPED EMPLOYEES' WAGES**

#### **THE TIP CREDIT: WHY IT EXISTS**

Congress has for decades defined "wages" under Section 203(m) of the Fair Labor Standards Act (FLSA) to include not just cash, but certain other credits and benefits that employees receive as a result of their employment, including tips.

Tip income is an important part of the wages and benefits employees receive due to employment. In fact, tip-earning employees are among the industry's highest-earning employees, earning a median of \$12 to \$17 an hour in tips, according to recent National Restaurant Association research. Employees and employers pay taxes on tipped wages.

For these reasons, section 203(m) of the FLSA allows employers to apply a portion of the tip earnings employees receive because of their employment toward the employer's obligation to pay tipped employees the minimum wage. This is called taking a "tip credit." Employers may take a tip credit only under strict conditions.

## **TIPS AS WAGES**

Federal and state tax laws classify tips as wages and tax employees and employers accordingly.

- Employees owe **income and FICA** (Social Security and Medicare) taxes on their tip income.
- The federal government considers all tips as wages for **Social Security** purposes. Employers pay Social Security taxes on the tips employees report, and tip income is included in the government's wage calculations for Social Security benefits.
- The federal government considers all tips as wages for **Medicare** purposes, and requires employers to pay Medicare taxes on all reported tip income.
- Tips are also considered as wages for **unemployment insurance** purposes, and employers are required to pay unemployment insurance taxes on reported tip income.

## **HOW THE TIP CREDIT WORKS**

If an employee meets the definition of a "tipped employee," tip-credit law allows an employer to credit toward the required minimum wage rate a portion of the tips received by the employee and reported to the employer.

Current Montgomery County law allows employers to pay a tipped employee a minimum cash tip wage of at least \$4.00 an hour and take a tip credit of up to \$4.40 an hour (i.e., the difference between the current \$8.40 County minimum wage and the \$4.00 tip wage).

If an employee's hourly tips fall below the tip credit (currently \$4.40 an hour) the employer is responsible for making up the difference by paying any additional wages needed to bring the employee up to the required County minimum wage. Thus, a tipped employee can never be paid below the minimum wage. In fact, paying a tipped employee below minimum wage is a violation of federal, state and local laws.

## **PROTECTING EMPLOYEES**

Federal, state and local wage laws provide strong protections to ensure that tipped employees never earn less than the applicable minimum wage. Employers must meet the following conditions in order to claim any tip credit:

1. A tip credit can be taken only against the wages of employees who customarily and regularly receive at least \$30 per month in tips.
2. In cases where an employee's tip earnings fall below the maximum permissible tip credit, the employer is responsible for making up the difference to bring the employee up to the applicable minimum wage.
3. The employer must notify the employee of the tip credit taken.
4. Employees must be allowed to retain all of their tips, except for valid tip pools.
5. Employers must have records documenting that employees earned tips in an amount at least equal to the tip credit claimed.

## **TIPPED EMPLOYEES' WAGES: MYTHS & FACTS**

### ***MYTH #1: TIPPED EMPLOYEES ARE PAID BELOW MINIMUM WAGE.***

**FACT:** Tipped employees cannot be paid below minimum wage. The minimum wage for tipped employees is the exact same as the minimum wage for every other employee in Montgomery County (currently \$8.40). Employers must ensure that the tipped employee earns at least \$8.40 an hour (or the applicable County minimum wage) in tip wage plus tips or the employer is responsible for making up the difference. It is not legal for any employee in the County to earn less than the full minimum wage per hour.

### ***MYTH #2: CUSTOMERS ARE SUBSIDIZING RESTAURANT EMPLOYEES' WAGES.***

**FACT:** Restaurant employers invest in their businesses to provide the conditions that enable employees to earn tips. Congress created the tip-credit system and its safeguards for employees decades ago because lawmakers recognized that tipped employees receive tips due to the jobs their employers provide for them. Tipped employees receive additional wages in the form of tips given to them by their employer's guests. This money is not given to other employees. That's why federal law treats tipped and non-tipped employees differently for wage purposes. The tip credit lets employers take tipped employees' special status into account for purposes of meeting the employer's obligation to pay these employees the minimum wage.

### ***MYTH #3: TIPPED EMPLOYEES EARN POVERTY-LEVEL WAGES***

**FACT:** Most tipped employees are far from minimum-wage earners. Server positions in restaurants provide opportunity, flexibility and, often, very competitive pay. Recent *National Restaurant Association* research shows that on a national level, restaurant servers earn a median hourly wage of between \$16 and \$22, counting both tips and employer-paid tip wage. Looking at tip income alone, entry-level servers earn a median of \$12 an hour in tips, with more experienced servers earning a median of \$17 an hour in tips, according to the research. *NOTE: These figures represent overall averages; the hourly earnings of servers vary significantly based on the type of establishment and the average per-person check size.*

### ***MYTH #4: EMPLOYERS ABUSE WAGE-AND-HOUR RULES WHEN THEY PAY TIPPED EMPLOYEES.***

**FACT:** There will always be a few who violate any law imposed on citizens or companies. However, employers risk costly wage-and-hour lawsuits, significant back-pay requirements and stiff penalties if they take a tip credit without meeting all the legal requirements for doing so. Restaurant employers are not willing to knowingly break the law or jeopardize their businesses by failing to take the required steps for claiming a tip credit. The vast majority of restaurant operators follow the rules, designed as safeguards for tipped employees. These requirements include ensuring that tipped employees earn and report tips in an amount equal to at least the amount of the tip credit claimed, and that the employer has records to prove it. In cases where an employee's earnings fall below the maximum permissible tip credit, the employer is responsible for making up the difference to meet the minimum wage.

# CLYDE'S RESTAURANT™ G · R · O · U · P

3236 M Street, NW • Washington, DC 20007 • (202) 333-9180 • Fax: (202) 625-7429 • clydes.com

## Support the Tipped Wage Freeze Council Bill 24-15 Jeff Owens Clyde's Restaurant Group

I want to share some detailed data with you about our employees and customers to help you understand why it is appropriate to keep the Montgomery County tipped wage at \$4.00/hour.

Clyde's Restaurant Group owns and operates 14 restaurants in the Washington D.C. metropolitan area, two of which are located in Montgomery County.

### Tipped Employees are the Highest Earners on Staff

Today we have 339 employees in our two Montgomery County restaurant operations of which 285 are County residents and 178 earn gratuities. We always strive to staff enough servers to give them each a small section of tables and the opportunity to provide great service and earn a customary tip of nearly 20%. All tipped employees are required to report their tip income to us to be included in both the employer and employee payroll tax calculations.

These tipped employees are highly skilled and provide our restaurants' most significant interaction with our guests. When claimed tip income considered, they are the highest paid staff in the restaurant.

### \$18.51 per hour

During a recent pay period which includes the 14 days from May 13 to 26, our two locations staffed 157 tipped employees as servers, bartenders and bus staff. These employees worked 8,507 hours and earned \$157,477 which is comprised of the cash wages paid by Clyde's plus declared tip income from gratuities. This equates to \$18.51 per hour. All employees earned more than the minimum wage.

The non-tipped departments include the seating hosts and the kitchen staff for which we staffed 128 hourly employees during this pay period. These folks worked 7,559 hours and earned \$85,965 in wages which equates to \$11.37 per hour on average. Eight of the 128 non-tipped employees are being paid the minimum wage of \$8.40 per hour with the remaining 120 at higher rates.

The staff departments ranked from the highest to lowest hourly pay is as follows:

	<u>Earnings</u>	<u>Hours</u>	<u>Per Hour</u>
Bartender	\$32,902.59	1,517.19	\$21.69
Backwait	\$19,619.00	1,004.10	\$19.54
Frontwait	\$84,828.01	4,485.02	\$18.91
Bus	\$20,127.64	1,500.90	\$13.41
Total Tipped	\$157,477.24	8,507.21	\$18.51
Cook	\$42,620.87	3,418.27	\$12.47
Host	\$11,206.18	1,019.78	\$10.99
Prep	\$19,309.68	1,797.09	\$10.74
Dish	\$12,828.73	1,324.01	\$9.69
Total Non-tipped	\$85,965.46	7,559.15	\$11.37

“Just raise the prices to pay the higher wages.....”

Some might say just increase prices to cover higher wages because the dining guests will not mind paying more. I can tell you we are very fortunate that our guests are willing to pay \$15.50 for a grilled chicken salad or \$13.50 for a cheeseburger so that we are able to achieve a 2% profit margin. We work very hard to keep up with the price sensitivity of our guests.

For example, when the wholesale crabmeat market became volatile during the past year we have offered a crab cake platter priced at \$26.95 and \$19.95 at different points of time. For the same 26-day period in May 2014 and May 2015, nine of our restaurants in the Washington D.C. metropolitan area sold 14,556 platters when offered at \$19.95 but only sold 3,454 of the same platters when offered at \$26.95.

I urge you to support Council Bill 24-15 to keep the Montgomery County tipped wage at the current \$4.00/hour.

Thank you.



Jeff Owens  
Chief Financial Officer  
Clyde's Restaurant Group  
jowens@clydes.com

## **Drummer, Bob**

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**From:** Jenny Baker -DLLR- <jenny.baker@maryland.gov>  
**Sent:** Tuesday, June 09, 2015 1:08 PM  
**To:** Drummer, Bob  
**Cc:** Thomas J. Meighen -DLLR-; Kelly M. Schulz -DLLR-; Sarah Harlan -DLLR-  
**Subject:** Expedited Bill 24-15 - Tipped Employee Amendments

Bob-

This email follows up on our conversation yesterday regarding Expedited Bill 24-15 - Tipped Employee. As we discussed, enforcement of the minimum wage law by the Department's Employment Standards Service ("ESS") is complaint driven. ESS accepts complaints from employees not third parties. As drafted, if Montgomery County were to determine that there may be a violation of the Montgomery County tip credit, any complaint would have to be filed by the employee and not Montgomery County.

Let us know if you have any other questions. Jenny

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Jenny Baker  
Assistant Attorney General  
Department of Labor, Licensing and Regulation  
(410) 230-6135