

SB 137 - AS AMENDED BY THE SENATE

04/01/2021 0983s

2021 SESSION

21-1073

04/06

SENATE BILL ***137***

AN ACT relative to the minimum hourly rate for tipped employees.

SPONSORS: Sen. Bradley, Dist 3

COMMITTEE: Commerce

ANALYSIS

This bill changes the hourly rate for tipped employee contingent on an increase in the federal minimum wage.

Explanation: Matter added to current law appears in ***bold italics***.Matter removed from current law appears [~~in brackets and struck through.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to the minimum hourly rate for tipped employees.

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

1 Minimum Hourly Rate; Tipped Employees. Amend the introductory paragraph of RSA 279:21 to read as follows:

Unless otherwise provided by statute, no person, firm, or corporation shall employ any employee at an hourly rate lower than that set forth in the federal minimum wage law, as amended. Tipped employees of a restaurant, ***cigar bar as defined in RSA 178:20-a, II***, hotel, motel, inn or cabin, or ballroom who customarily and regularly receive more than \$30 a month in tips directly from the customers will receive a base rate from the employer of not less than [~~45 percent of the applicable minimum wage~~] ***\$3.27 per hour. Tipped employees who are licensed as secondary game operators pursuant to RSA 287-D and who customarily and regularly receive more than \$30 a month in tips directly from the customers, will receive a base rate from the employer of not less than \$7.25 per hour. If such an employee shows to the satisfaction of the commissioner that the actual amount of wages received at the end of each pay period did not equal the federal statutory minimum per hour for all hours worked, the employer shall pay the employee the difference to guarantee the federal statutory minimum hourly rate.*** If an employee shows to the satisfaction of the commissioner that the actual amount of wages received at the end of each pay period did not equal the minimum wage for all hours worked, the employer

shall pay the employee the difference to guarantee the applicable minimum wage. The limitations imposed hereby shall be subject to the following exceptions:

2 Contingency. Section 1 of this act shall take effect on the date the federal minimum wage is increased from the federal minimum wage in effect on the effective date of this act.

3 Effective Date.

I. Section 1 of this act shall take effect as provided in section 2 of this act.

II. The remainder of this act shall take effect upon its passage.