

117TH CONGRESS
2D SESSION

S. 5241

To amend the Fair Labor Standards Act of 1938 to revise the definition of the term “tipped employee”, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 13, 2022

Mr. BRAUN introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Fair Labor Standards Act of 1938 to revise the definition of the term “tipped employee”, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Tipped Employee Pro-
5 tection Act”.

6 **SEC. 2. TIPPED EMPLOYEES.**

7 Section 3(t) of the Fair Labor Standards Act of 1938
8 (29 U.S.C. 203(t)) is amended—

9 (1) by striking “(t)” and inserting “(t)(1)”;

1 (2) by striking “engaged in an occupation in
2 which he customarily and regularly receives more
3 than \$30 a month in tips.” and inserting “, without
4 regard to the duties of the employee, who receives
5 tips and other cash wages for a period described in
6 paragraph (2) at a rate that when combined with
7 the cash wage required under subsection
8 (m)(2)(A)(i) is greater than or equal to the wage in
9 effect under section 6(a)(1).”; and

10 (3) by adding at the end the following:

11 “(2) The period described in this paragraph may be
12 (as determined by the employer) a period of 1 day, 1 week,
13 every other week, every pay period, or 1 month.”.

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