

Committee Report

REGULAR CALENDAR

May 26, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Majority of the Committee on Labor, Industrial and Rehabilitative Services to which was referred SB 137,

AN ACT relative to the minimum hourly rate for tipped employees. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. Brian Seaworth

FOR THE MAJORITY OF THE COMMITTEE

**MAJORITY
COMMITTEE REPORT**

Committee:	Labor, Industrial and Rehabilitative Services
Bill Number:	SB 137
Title:	relative to the minimum hourly rate for tipped employees.
Date:	May 26, 2021
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2021-1596h

STATEMENT OF INTENT

This bill addresses the statutory “base rate” for tipped employees and corrects a potential problem with the existing law. Employees who earn their pay through tips still must receive the \$7.25 minimum wage and the employer is responsible to see that this happens. Federal law allows an employer to consider income received through tips, but up to a limit. That limit is \$5.12, meaning a minimum of \$2.13 must be paid directly by the employer. The NH number is higher, codified as a percentage of \$7.25. Tying our rate to a calculation deprives us of the opportunity to evaluate whether rate changes make sense for NH. As amended, his bill ties our rate to the Federal figure, as we do the minimum wage itself, but sets a floor at the current state rate. In addition, it adds recently-allowed Cigar Bars to the list of authorized employers. The bill is written so as to take effect only after the Federal rate is raised. If the Federal rate remains unaltered, state law will also remain as-is. The majority believes that passing this law will provide stability for the hospitality segment of NH’s economy. The amendment removes some complexity from the original language of the bill.

Vote 11-8.

Rep. Brian Seaworth
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Labor, Industrial and Rehabilitative Services

SB 137, relative to the minimum hourly rate for tipped employees. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Brian Seaworth for the **Majority** of Labor, Industrial and Rehabilitative Services. This bill addresses the statutory “base rate” for tipped employees and corrects a potential problem with the existing law. Employees who earn their pay through tips still must receive the \$7.25 minimum wage and the employer is responsible to see that this happens. Federal law allows an employer to consider income received through tips, but up to a limit. That limit is \$5.12, meaning a minimum of \$2.13 must be paid directly by the employer. The NH number is higher, codified as a percentage of \$7.25. Tying our rate to a calculation deprives us of the opportunity to evaluate whether rate changes make sense for NH. As amended, his bill ties our rate to the Federal figure, as we do the minimum wage itself, but sets a floor at the current state rate. In addition, it adds recently-allowed Cigar Bars to the list of authorized employers. The bill is written so as to take effect only after the Federal rate is raised. If the Federal rate remains unaltered, state law will also remain as-is. The majority believes that passing this law will provide stability for the hospitality segment of NH’s economy. The amendment removes some complexity from the original language of the bill. **Vote 11-8.**

Original: House Clerk

Cc: Committee Bill File

REGULAR CALENDAR

May 26, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Minority of the Committee on Labor, Industrial and Rehabilitative Services to which was referred SB 137,

AN ACT relative to the minimum hourly rate for tipped employees. Having considered the same, and being unable to agree with the Majority, report with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Joshua Adjutant

FOR THE MINORITY OF THE COMMITTEE

**MINORITY
COMMITTEE REPORT**

Committee:	Labor, Industrial and Rehabilitative Services
Bill Number:	SB 137
Title:	relative to the minimum hourly rate for tipped employees.
Date:	May 26, 2021
Consent Calendar:	REGULAR
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

The minority of the Labor Committee believes that this bill is bad for workers, and at the same time, bad for the businesses in the hospitality industry. A recent article in Newsweek Magazine talked about the restaurant chain Denny's and their fight to leave the National Restaurant Association because, while this organization howls calamity all over the country about how raising the minimum wage will be devastating, they're admitting to these businesses that this isn't actually the case. The minority believes that workers should reasonably be able to expect what their paychecks will be at the end of the week, and as such, freezing the tipped minimum at the ghastly \$3.27 and having those hard working people rely on tips doesn't accomplish that goal. The minority would support an Inexpedient To Legislate motion on this bill, so that a real minimum wage bill could be brought before the House and those who labor can get a fair shake.

Rep. Joshua Adjutant
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Labor, Industrial and Rehabilitative Services

SB 137, relative to the minimum hourly rate for tipped employees. **INEXPEDIENT TO LEGISLATE.**

Rep. Joshua Adjutant for the **Minority** of Labor, Industrial and Rehabilitative Services. The minority of the Labor Committee believes that this bill is bad for workers, and at the same time, bad for the businesses in the hospitality industry. A recent article in Newsweek Magazine talked about the restaurant chain Denny's and their fight to leave the National Restaurant Association because, while this organization howls calamity all over the country about how raising the minimum wage will be devastating, they're admitting to these businesses that this isn't actually the case. The minority believes that workers should reasonably be able to expect what their paychecks will be at the end of the week, and as such, freezing the tipped minimum at the ghastly \$3.27 and having those hard working people rely on tips doesn't accomplish that goal. The minority would support an Inexpedient To Legislate motion on this bill, so that a real minimum wage bill could be brought before the House and those who labor can get a fair shake.

Original: House Clerk

Cc: Committee Bill File

Amendment to SB 137

1 Amend the bill by replacing section 1 with the following:

2

3 1 Minimum Hourly Rate; Tipped Employees. Amend the introductory paragraph of RSA 279:21
4 to read as follows:

5 Unless otherwise provided by statute, no person, firm, or corporation shall employ any employee
6 at an hourly rate lower than that set forth in the federal minimum wage law, as amended. Tipped
7 employees of a restaurant, ***cigar bar as defined in RSA 178:20-a, II***, hotel, motel, inn or cabin, or
8 ballroom who customarily and regularly receive more than \$30 a month in tips directly from the
9 customers will receive a base rate from the employer of not less than [~~45 percent of the applicable~~
10 ~~minimum wage~~] ***\$7.25 per hour. If such an employee shows to the satisfaction of the***
11 ***commissioner that the actual amount of wages received at the end of each pay period did***
12 ***not equal the federal statutory minimum per hour for all hours worked, the employer shall***
13 ***pay the employee the difference to guarantee the federal statutory minimum hourly rate.*** If
14 an employee shows to the satisfaction of the commissioner that the actual amount of wages received
15 at the end of each pay period did not equal the minimum wage for all hours worked, the employer
16 shall pay the employee the difference to guarantee the applicable minimum wage. The limitations
17 imposed hereby shall be subject to the following exceptions:

Voting Sheets

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

EXECUTIVE SESSION on SB 137

BILL TITLE: relative to the minimum hourly rate for tipped employees.

DATE: May 26, 2021

LOB ROOM: Hybrid

MOTIONS: OUGHT TO PASS

Moved by Rep. Seaworth Seconded by Rep. Turcotte AM Vote: 16-4

Amendment # 2021-1596h

MOTIONS: OUGHT TO PASS WITH AMENDMENT

Moved by Rep. Adjutant Seconded by Rep. Bouchard AM Vote: 8-11

Amendment # 2021-1366h

Moved by Rep. Seaworth Seconded by Rep. Hough Vote: 11-8

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep John Callum, Acting Clerk



2021 SESSION

Labor, Industrial and Rehabilitative Services

Bill #: 137 A Motion: OTP A ^{PM} AM#: 12:21 Exec Session Date: 5/26/21

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Infantine, William J. Chairman	✓		
Seaworth, Brian Vice Chairman	✓		
Avellani, Lino M.	✓		
Callum, John M.	✓		
Mackie, Jonathan D. Clerk	✓		
Nunez, Hershel	✓		
Warden, Mark Rep Love	✓		
Turcotte, Leonard P.	✓		
Prout, Andrew J.	✓		
Boyd, Stephen E.	✓		
Hough, Gregg	✓		
Sullivan, Brian M.		✓	
Soucy, Timothy A.		✓	
Baroody, Benjamin C.		✓	
Cahill, Michael D. ABSENT			
DiSilvestro, Linda A. Rep Espereira		✓	
Schmidt, Janice E.		✓	
Toomey, Dan		✓	
Bouchard, Donald J.		✓	
Adjutant, Joshua		✓	
TOTAL VOTE:	11	8	



2021 SESSION

Labor, Industrial and Rehabilitative Services

Bill #: SB 137A Motion: AMEND 1366 H ^{PM} AM #: 12:10 Exec Session Date: 5/26/21

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Infantine, William J. Chairman		✓	
Seaworth, Brian Vice Chairman		✓	
Avellani, Lino M.		✓	
Callum, John M.		✓	
Mackie, Jonathan D. Clerk		✓	
Nunez, Hershel		✓	
Warden, Mark <i>REP LOVE</i>		✓	
Turcotte, Leonard P.		✓	
Prout, Andrew J.		✓	
Boyd, Stephen E.		✓	
Hough, Gregg		✓	
Sullivan, Brian M.	✓		
Soucy, Timothy A.	✓		
Baroody, Benjamin C.	✓		
Cahill, Michael D. <i>ABSENT</i>			
DiSilvestro, Linda A. <i>REP ESPECIALIA</i>	✓		
Schmidt, Janice E.	✓		
Toomey, Dan	✓		
Bouchard, Donald J.	✓		
Adjutant, Joshua	✓		
TOTAL VOTE:	8	11	



2021 SESSION

Labor, Industrial and Rehabilitative Services

Bill #: SB 137 Motion: AMEND 1596 H AM #: 11:50 Exec Session Date: 5/26/21

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Infantine, William J. Chairman	✓		
Seaworth, Brian Vice Chairman	✓		
Avellani, Lino M.	✓		
Callum, John M.	✓		
Mackie, Jonathan D. Clerk	✓		
Nunez, Hershel	✓		
<u>Warden, Mark</u> <i>Rep Leave</i>	✓		
Turcotte, Leonard P.	✓		
Prout, Andrew J.	✓		
Boyd, Stephen E.	✓		
Hough, Gregg	✓		
Sullivan, Brian M.	✓		
Soucy, Timothy A.		✓	
Baroody, Benjamin C.	✓		
Cahill, Michael D.	✓		
<u>DiSilvestro, Linda A.</u> <i>Rep Absent</i>	✓		
Schmidt, Janice E.		✓	
Toomey, Dan	✓		
Bouchard, Donald J.		✓	
Adjutant, Joshua		✓	
TOTAL VOTE:	<u>16</u>	<u>4</u>	

Public Hearing

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES
PUBLIC HEARING ON

BILL TITLE: SB 137 relative to the minimum hourly rate for tipped employees

DATE: 5/5/21

ROOM: **Time Public Hearing Called to Order: 1:00**

Time Adjourned: 2:31

(members high-lighted in red were absent)

Committee Members: Reps. Infantine, Seaworth, Mackie, Avellani, Callum, Nunez, Warden, Turcotte, Prout, Boyd, Hough, Sullivan, Soucy, Baroody, Cahill, DiSilvestro, J. Schmidt, Toomey, Bouchard and Adjutant

Bill Sponsors: Sen. Bradley

TESTIMONY

*Use asterisk if written testimony and/or amendments are submitted.

Rep. Brian Seaworth introduced the bill.

Rep. Horrigan testified against the bill. He said it is unfair to workers. They should be paid at least the regular minimum wage and get tips above that.

Sen. Bradley (sponsor) testified in favor of the bill. If the federal minimum wage were to be raised to \$15 per hour as NH tipped wage is 45% of the federal this would more than double the tipped wage. This would be devastating to the restaurant industry. It would also push restaurants to do more kiosk automation for ordering and probably cost jobs in the long run.

Q Rep Adjutant- what is a secondary game operator and why are they included separately in this?

A That would be best answered by those industry people.

Q Is it true that restaurant growth is better in states without a separate tipped minimum?

A This is a bill that is necessary for our state.

Rep. Hough- Why are we seeking to protect only restaurants? Won't all businesses suffer from a minimum wage increase?

A The effect is far greater for the restaurant industry with respect to the 45% rule

Q Rep Turcotte- Why do lines 14-18 seem duplicative. Is there a reason?

A Dept of Labor could probably answer that better than me.

Q Rep. Seaworth- How was the \$7.25 rate arrived at for secondary game operators?

A Best to ask the secondary game operators.

Q. Rep. Bouchard- Have you seen studies that show increased productivity and less turnover when wages are higher.

A Restaurants would raise wages if they thought it would be beneficial.

Q Rep. Cahill- What if the increase was to \$14 or \$13 per hour?

A It would not be as much of a problem, but still would be an issue for the restaurants and cost jobs.

Rep. Adjutant- Do you believe there might be a difference between what is best for the restaurant and what is best for the worker?

A The worker is best served by a successful restaurant

Q Rep Hough – what happens if the federal government raises the tipped wage?

A This would not take effect in that case

Henry Veilleux of the NHLRA testified in favor of the bill. The purpose of this bill is to replace the percentage with an absolute number. NH is one of 7 states with this formula for setting the tip wage. Wait staff are generally among the highest paid workers in a restaurant. Wait staff are making an average of \$17 to \$19 per hour on tips. Tipped employees wages go up every year as menu prices increase.

Q Rep. Hough- What would be the purpose of NH having a higher tipped wage than the federal tipped wage.

A NH has always had a higher tipped wage than the feds.

Q Why not lower it to the fed tipped rate.

A We don't want to lower it, we just want to avoid a huge increase.

Q Rep Cahill- Is it unfair that a server at a high end restaurant is making more than a server at a lower priced restaurant.

A Often the lower priced restaurants are a stepping stone for less experienced workers.

Q What happens if a worker is sent home because it is slow.

A They get paid the minimum for 2 hours if they did not make any tips.

Q Is the \$30 monthly minimum to be considered a tipped employee out of date?

A Probably, but that is something that could be taken up in the future.

Rick Newman from the NH charitable Gaming Operators Association testified in favor of the bill. To answer a previous question secondary game operators are dealers at gaming tables.

Q Will Infintine- Are tips usually given when someone wins?

A Yes

Q Rep. Seaworth- Do you know why there is a duplication of language?

A I think it is referring to a different section

Q Rep. Toomey. How much in tips do dealers make

A Varies. The state would have the numbers

Q Rep. Schmidt- Why should dealers be considered tipped employees.

A Because a substantial amount of their income is from tips.

Q Rep. Adjutant- Would it be better just to change the rules rather than considering them tipped employees?

A Possibly, but that is not the bill we have in front of us.

Q Rep. Avellani- How do dealers claim their tips?

A They report them to their employer like waitstaff do.

Q Would considering them tipped employees change the withholding?

A Yes.

Dr. Gail Kinney testified against the bill. She says she represents multiple groups opposed to this bill. She says it is a myth that the minimum wage will rise to \$15 imminently. She says this is pointless legislation. She says that this unfair to waitstaff. She says that tipping is racist and sexist. She says this is immoral and nonsensical.

Q Rep. Sullivan- Is it accurate that the fed tipped wage may go to \$4.25 under proposed legislation?

A Yes

Curtis Barry on behalf of the cigar sellers association testified in favor of the bill.

Q Rep. Infintine- Would a federal increase automatically increase the state wage.

A I would have to look into that.

Rep Infintine read a letter from Deputy Commissioner Ogden. He will follow up with an email.

House Remote Testify

Labor, Industrial and Rehabilitative Services Committee Testify List for Bill SB137 on 2021-05-05

Support: 5 Oppose: 113 Neutral: 0 Total to Testify: 7

Export to Excel

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
Veilleux, Henry	Bedford, NH hveilleux@sheehan.com	A Lobbyist	NH Lodging & Restaurant Association	Support	Yes (4m)	No	5/2/2021 6:47 PM
Bradley, Jeb	Concord, NH jeb.bradley@leg.state.nh.us	An Elected Official	SD3 (Prime)	Support	Yes (4m)	No	4/14/2021 11:25 AM
Kinney, Rev. Dr. Gail	Canaan, NH gailhrdi@aol.com	A Member of the Public	Myself	Oppose	Yes (3m)	No	5/4/2021 12:14 AM
Horrigan, Rep. Timothy	Durham, NH timothy.horrigan@leg.state.nh.us	An Elected Official	Strafford 6	Oppose	Yes (2m)	No	4/28/2021 8:32 PM
Newman, Rick	Nottingham, NH rick@ricknewman.com	A Lobbyist	NH Charitable Gaming Operators Association	Support	Yes (0m)	No	5/4/2021 1:45 PM
Elhuni, Asma	Lebanon, NH asma@radnh.org	A Lobbyist	Rights and Democracy	Oppose	Yes (0m)	No	5/1/2021 6:25 PM
Caplan, Tony	Henniker, NH anthonycaplan1@gmail.com	An Elected Official	Merrimack 6	Oppose	Yes (0m)	No	4/29/2021 8:11 AM
Schnell, Robin	109 Spring St.,Portsmouth, NH r.hary.schnell@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/21/2021 11:42 AM
Davis, Johnna	Gilford, NH jdavis@metrocast.net	A Member of the Public	Myself	Oppose	No	No	4/27/2021 6:21 AM
Benham, Linda	Greenland, NH Benhamblab@outlook.com	A Member of the Public	Myself	Oppose	No	No	4/27/2021 8:06 PM
Hackmann, Kent	Andover, NH hackmann@uidaho.edu	A Member of the Public	Myself	Oppose	No	No	4/28/2021 4:12 PM
Biondolillo, Sophia	Manchester, NH sophiabiondolillo@gmail.com	A Member of the Public	New Hampshire High School Democrats	Oppose	No	No	4/28/2021 8:51 PM
Robinson, Ellis	Grantham, NH ellismrobinson@gmail.com	A Member of the Public	Myself	Oppose	No	No	5/4/2021 5:56 AM

Walsh, Lynne	Melvin Village, NH lynnewalsh14@gmail.com	A Member of the Public	Myself	Oppose	No	No	5/4/2021 6:14 AM
Moccia, Lianne	LEBANON, NH lianne.moccia@gmail.com	A Member of the Public	Myself	Oppose	No	No	5/4/2021 8:32 AM
Keeler, Margaret	New London, NH peg5keeler@gmail.com	A Member of the Public	Myself	Oppose	No	No	5/4/2021 9:08 AM
Costello, Emilie	Pittsfield, NH Dark9moon@metrocast.net	A Member of the Public	Myself	Oppose	No	No	5/4/2021 9:47 AM
Findley, Sally	Grantham, NH findley.se@gmail.com	A Member of the Public	Myself	Oppose	No	No	5/4/2021 9:51 AM
Campbell, Margaret	West Lebanon, NH macatmf@aol.com	A Member of the Public	Myself	Oppose	No	No	5/4/2021 9:51 AM
Irwin, Virginia	Newport, NH biddy.irwin@gmail.com	A Member of the Public	Myself	Oppose	No	No	5/4/2021 11:08 AM
Madden, Lilia	Portsmouth, NH liliamadden@gmail.com	A Member of the Public	Myself	Oppose	No	No	5/4/2021 12:05 PM
Katusiime, Viola	Manchester, NH violakat@granitestateorganizing.org	A Lobbyist	Granite State Organizing Project	Oppose	No	No	5/4/2021 12:56 PM
Jones, Gisela	Lebanon, NH gisela1142@gmail.com	A Member of the Public	Myself	Oppose	No	No	5/4/2021 1:25 PM
Towne, Matthew	Barrington, NH matttowne@metrocast.net	A Member of the Public	Myself	Oppose	No	No	5/4/2021 7:02 AM
Boschert, Sharon	Lebanon, NH sherry.boschert@gmail.com	A Member of the Public	Myself	Oppose	No	No	5/4/2021 7:05 AM
Hinnov, Emily M.	Exeter, NH emhinnov@yahoo.com	A Member of the Public	Myself	Oppose	No	No	5/4/2021 7:10 AM
Webster, Janie	New London, NH Janiehwebster@yahoo.com	A Member of the Public	Myself	Support	No	No	5/4/2021 12:20 PM
Bishop, Nancy	Plaistow, NH nanbis71@gmail.com	A Member of the Public	Myself	Oppose	No	No	5/4/2021 4:54 PM
Lewandowski, Jean	Nashua, NH jlewando@hotmail.com	A Member of the Public	Myself	Oppose	No	No	5/4/2021 8:00 PM
bory, lee	nashua, NH leebory@juno.com	A Member of the Public	Myself	Oppose	No	No	5/4/2021 9:59 PM
FRIEDRICH, ED	Loudon, NH erfriedrich@yahoo.com	A Member of the Public	Myself	Oppose	No	No	5/4/2021 8:48 AM

Bruce, Susan	Concord, NH susanb.red@mac.com	A Member of the Public	Myself	Oppose	No	No	5/2/2021 7:07 PM
Weber, Jill	NH, NH jill@frajilfarms.com	A Member of the Public	Myself	Oppose	No	No	5/2/2021 10:37 PM
Grassie, Chuck	Rochester, NH chuck.grassie@leg.state.nh.us	An Elected Official	Strafford 11	Oppose	No	No	5/2/2021 11:02 PM
Wazir, Safiya	Merrimack, NH s.wazir@leg.state.nh.us	An Elected Official	My Constituents	Oppose	No	No	5/3/2021 7:28 AM
Benning, Sarah	Keene, NH Sarah.k.benning@gmail.com	A Member of the Public	Myself	Oppose	No	No	5/1/2021 6:42 PM
Hamblet, Joan	PORTSMOUTH, NH joan.hamblet@leg.state.nh.us	An Elected Official	Myself	Oppose	No	No	5/2/2021 8:20 PM
Rich, Cecilia	Not Hispanic or Latino, NH cecilia.rich@leg.state.nh.us	An Elected Official	Myself	Oppose	No	No	5/3/2021 7:46 AM
Falk, Cheri	Wilton, NH Falk.cj@gmail.com	A Member of the Public	Myself	Oppose	No	No	5/3/2021 7:52 AM
McWilliams, Rebecca	Concord, NH rebecca.mcwilliams@leg.state.nh.us	An Elected Official	Merrimack 27	Oppose	No	No	5/3/2021 8:11 AM
Hamer, Heidi	Manchester, NH hhamer59@aol.com	An Elected Official	Myself	Oppose	No	No	5/3/2021 8:18 AM
Burlingame, Terry	Gilman tin Iron Works, NH mexicananh@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/30/2021 10:09 PM
Terry, Burlingame	GIW, NH tburlingame@hotmail.com	A Member of the Public	Myself	Oppose	No	No	4/30/2021 10:11 PM
Zaenglein, Barbara	Amherst, NH bzaenglein@gmail.com	A Member of the Public	Myself	Oppose	No	No	5/3/2021 7:05 AM
Zaenglein, Eric	Amherst, NH henley11@comcast.net	A Member of the Public	Myself	Oppose	No	No	5/3/2021 7:05 AM
Tucker, Katherine	Wilmot, NH katherine.s.tucker@valley.net	A Member of the Public	Myself	Oppose	No	No	5/3/2021 1:41 PM
Hatcher, Phil	Dover, NH phil.hatcher@gmail.com	A Member of the Public	Myself	Oppose	No	No	5/3/2021 1:49 PM
Smith, Jernnifer	Pembroke, NH jaycmd7699@gmail.com	A Member of the Public	Myself	Oppose	No	No	5/2/2021 8:58 AM
Holt, David	Somersworth, NH davholt@aol.com	A Member of the Public	Myself	Oppose	No	No	5/4/2021 3:11 PM

Willing, Maura	Concord, NH Maura.Willing@Comcast.net	A Member of the Public	Myself	Oppose	No	No	5/4/2021 7:36 PM
Ancharski, Nancy	Keene, NH nancharski@gmail.com	A Member of the Public	Myself	Oppose	No	No	5/5/2021 6:13 AM
Folsom, Andrea	Hopkinton, NH aahfolsom@gmail.com	A Member of the Public	Myself	Oppose	No	No	5/5/2021 6:54 AM
Ellermann, Maureen	CONCORD, NH ellermannf@aol.com	A Member of the Public	Myself	Oppose	No	No	5/5/2021 7:33 AM
Staub, Kathy	MANCHESTER, NH kstaub@comcast.net	A Member of the Public	Myself	Oppose	No	No	5/3/2021 3:54 PM
Hinebauch, Mel	Concord, NH melhinebauch@gmail.com	A Member of the Public	Myself	Oppose	No	No	5/3/2021 11:15 PM
Carr, Judy	Hollis, NH judycarr@outlook.com	A Member of the Public	Myself	Oppose	No	No	5/3/2021 11:17 PM
Platt, Elizabeth-Anne	CONCORD, NH lizanneplatt09@gmail.com	A Member of the Public	Myself	Oppose	No	No	5/5/2021 6:30 AM
Smith, Jennifer	Pembroke, NH jaycmd7699@gmail.com	A Member of the Public	Myself	Oppose	No	No	5/3/2021 4:40 PM
Varney, Michele	Alton, NH maloof@metrocast.net	A Member of the Public	Myself	Oppose	No	No	5/3/2021 8:46 PM
Lewis, Elizabeth	Nashua, NH ecop.lewis@gmail.com	A Member of the Public	Myself	Oppose	No	No	5/4/2021 9:25 AM
Reeves, Rene	Peterborough, NH renerreeves@gmail.com	A Member of the Public	Myself	Oppose	No	No	5/4/2021 12:39 PM
Robinson, Fred	Goffstown, NH Fgrobins@comcast.net	A Member of the Public	Myself	Oppose	No	No	5/4/2021 2:45 PM
Vail, Suzanne	Nashua, NH Suzanne.vail@leg.state.nh.us	An Elected Official	Hillsborough County 30	Oppose	No	No	4/30/2021 9:29 PM
Casino, Joanne	Concord, NH joannecasino@comcast.net	A Member of the Public	Myself	Oppose	No	No	5/1/2021 9:28 AM
Clark, Margo	Dover, NH margoclark06@gmail.com	A Member of the Public	Myself	Oppose	No	No	5/1/2021 9:33 AM
garnett, ronald	gilford, NH soup31314@yahoo.com	A Member of the Public	Myself	Oppose	No	No	4/28/2021 2:01 PM
Dodge, Corinne	Corinne Dodge, Derry, NH corinnedodge@hotmail.com	A Member of the Public	Myself	Oppose	No	No	5/1/2021 10:10 AM

Cabrera, Rho	Manchester, NH rosa.cabrera88@gmail.com	A Member of the Public	Myself	Oppose	No	Yes	4/30/2021 8:46 PM
Beaudoin, Jennifer	Concord, NH jenniferbeaudoin@comcast.net	A Member of the Public	Myself	Oppose	No	No	5/1/2021 9:03 AM
Gruttemeyer, Pat	NH, NH phgruttemeyer@comcast.net	A Member of the Public	Myself	Oppose	No	No	5/1/2021 9:06 AM
Arnold, Leah	Keene, NH Trapeze_lea@yahoo.com	A Member of the Public	Myself	Oppose	No	No	5/1/2021 5:24 PM
Nover, Nicole	Manchester, NH colenover96@comcast.net	A Member of the Public	Myself	Oppose	No	No	5/2/2021 2:55 PM
Weston, Joyce	NH, NH jweston14@roadrunner.com	An Elected Official	Myself	Oppose	No	No	5/2/2021 3:09 PM
Oxenham, Evan	Plainfield, NH evan.oxenham@gmail.com	A Member of the Public	Myself	Oppose	No	No	5/2/2021 3:12 PM
Murray, Megan	Amherst, NH megan.murray@leg.state.nh.us	An Elected Official	Hillsborough District 22	Support	No	No	4/28/2021 10:05 PM
Reed, Barbara	N. Swanzey NH, NH BDRreed74@gmail.com	A Member of the Public	Myself	Oppose	No	No	5/3/2021 9:59 AM
Kindeke, Grace	Manchester, NH gkindeke@afsc.org	A Lobbyist	American Friends Service Committee	Oppose	No	No	5/3/2021 9:59 AM
Feder, Marsha	HOLLIS, NH marshafeder@gmail.com	A Member of the Public	Myself	Oppose	No	No	5/3/2021 10:15 AM
Istel, Claudia	Acworth, NH claudia@sover.net	A Member of the Public	Myself	Oppose	No	No	5/3/2021 5:24 PM
Long, Julian	Rochester, NH julianleelong@yahoo.com	A Member of the Public	Myself	Oppose	No	No	5/3/2021 5:44 PM
Broshek, Maery Anne	Andover, NH mabandsadie@gmail.com	A Member of the Public	Myself	Oppose	No	No	5/3/2021 7:03 PM
Pirie, Ethan	Portsmouth, NH ecp341@gmail.com	A Member of the Public	Myself	Oppose	No	No	5/2/2021 9:39 AM
Oxenham, Lee	Plainfield, NH leeoxenham@comcast.net	An Elected Official	Sullivan Co., District 1	Oppose	No	No	5/2/2021 1:55 PM
Gilman, Representative Julie	Exeter, NH julie.gilman@leg.state.nh.us	An Elected Official	Town of Exeter	Oppose	No	No	5/2/2021 8:48 PM
Dontonville, Roger	Enfield, NH rdontonville@gmail.com	An Elected Official	Myself	Oppose	No	No	5/3/2021 9:03 AM

Richman, Susan	Durham, NH susan7richman@gmail.com	A Member of the Public	Myself	Oppose	No	No	5/3/2021 9:06 AM
Fogarty, Maggie	Concord, NH mfogarty@afsc.org	A Lobbyist	American Friends Service Committee - NH	Oppose	No	No	5/3/2021 9:25 AM
Bixby, Peter	Dover, NH peter.bixby@leg.state.nh.us	An Elected Official	Myself	Oppose	No	No	5/3/2021 9:32 AM
Thomas, Elaine	Nashua, NH thomas.marshall@comcast.net	An Elected Official	Myself	Oppose	No	No	5/3/2021 5:57 PM
Almy, Susan	Lebanon, NH susan.almy@comcast.net	An Elected Official	Myself	Oppose	No	No	5/3/2021 9:01 PM
Thomas, Wendy	Merrimack, NH wethomas@gmail.com	A Member of the Public	Myself	Oppose	No	No	5/3/2021 3:29 PM
Kirby, Pamela	Derry, NH pkirby1@comcast.net	A Member of the Public	Myself	Oppose	No	No	5/3/2021 9:19 PM
Maisttison, Maureen	Hollis, NH maisttisonm@outlook.com	A Member of the Public	Myself	Oppose	No	No	5/3/2021 9:23 PM
Jachim, Nancy	Newport, NH nancyjachim@gmail.com	A Member of the Public	Myself	Oppose	No	No	5/3/2021 9:27 PM
Covert, Susan	Contoocook, NH scovert@comcast.net	A Member of the Public	Myself	Oppose	No	No	5/3/2021 9:27 PM
Vincent, Laura	Loudon, NH lvlauravincen5@gmail.com	A Member of the Public	Myself	Oppose	No	No	5/3/2021 9:55 PM
Gregory-Davis, Rev. John	Meriden, NH john@meridenucc.org	A Member of the Public	NHUCC Economic Justice Ministry	Oppose	No	No	5/4/2021 4:47 AM
Torpey, Jeanne	Concord, NH jtorp51@comcast.net	A Member of the Public	Myself	Oppose	No	No	5/4/2021 5:33 AM
Greenwood, Nancy	Concord, NH nancgreenwood@yahoo.com	A Member of the Public	Myself	Oppose	No	No	5/4/2021 7:37 AM
Desmarais, Julie	Hollis, NH jddes24@hotmail.com	A Member of the Public	Myself	Oppose	No	No	5/4/2021 7:37 AM
Briggs, Ron	Concord, NH Rongb1950@gmail.com	A Member of the Public	Myself	Oppose	No	No	5/4/2021 7:39 AM
Lenz, Elaine	Meriden, NH eglenz@comcast.net	A Member of the Public	Myself	Oppose	No	No	5/4/2021 7:42 AM
Cote, Lois	Manchester, NH lcote06@outlook.com	A Member of the Public	Myself	Oppose	No	No	5/4/2021 7:48 AM

Jakows, Linds	Dover, NH ljjakows@gmail.com	A Member of the Public	Myself	Oppose	No	No	5/3/2021 11:34 AM
Aronson, Laura	MANCHESTER, NH laura@mlans.net	A Member of the Public	Myself	Oppose	No	No	5/3/2021 11:36 PM
Wild, Gail	Newport, NH gailwild@gmail.com	A Member of the Public	Myself	Oppose	No	No	5/4/2021 8:06 AM
Wiggins, Frank	Newport, NH frankwigginsconstruction@comcast.net	A Member of the Public	Myself	Oppose	No	No	5/4/2021 8:07 AM
Dolkart, Kenneth	Grantham, NH kenneth.dolkart@gmail.com	A Member of the Public	Myself	Oppose	No	No	5/4/2021 10:01 AM
Koch, Laurie	Concord, NH kochlj@aol.com	A Member of the Public	Myself	Oppose	No	No	5/4/2021 10:15 AM
Hill, Bonnie	South Sutton, NH hillbonnie@aol.com	A Member of the Public	Myself	Oppose	No	No	5/4/2021 10:19 AM
Day, Karen	Greenfield, NH riverqueen@pobox.com	A Member of the Public	Myself	Oppose	No	No	5/4/2021 10:43 AM
Dontonville, Anne	Enfield, NH Adontonville@gmail.com	A Member of the Public	Myself	Oppose	No	No	5/4/2021 10:55 AM
Dolkart, Vivian	Grantham, NH viviandolkart@comcast.net	A Member of the Public	Myself	Oppose	No	No	5/4/2021 10:56 AM
Spang, Judith	Durham, NH Judith@kestrelnet.net	An Elected Official	Myself	Oppose	No	No	5/4/2021 10:58 AM
Nardino, Marie	Andover, NH mdnardino@gmail.com	A Member of the Public	Myself	Oppose	No	No	5/4/2021 11:22 AM
Zajano, Emily	Exeter, NH emzajano@aol.com	A Member of the Public	Myself	Oppose	No	No	5/4/2021 11:23 AM
Jones, Andrew	Pembroke, NH arj11718@yahoo.com	A Member of the Public	Myself	Oppose	No	No	5/4/2021 11:35 AM
Devore, Gary	Pembroke, NH torin_asheron@yahoo.com	A Member of the Public	Myself	Oppose	No	No	5/4/2021 11:35 AM

Testimony

Archived: Monday, June 7, 2021 10:58:09 AM
From: [Jennifer Reed](#)
Sent: Tuesday, May 25, 2021 9:28:11 AM
To: ~House Labor, Industrial and Rehabilitative Services
Subject: SB137
Importance: Normal

I am writing today to implore you to pass SB137, which freezes the tipped wage. I believe there is a lot of confusion out there about how servers are paid. Most of them in my restaurants earn between \$25-\$35 an hour depending on how busy we are - the higher end is usually in summer and the lower on slower winter nights. They are not taking home less than minimum wage ever. They are not taken advantage of - in fact, they are often the highest paid staff in restaurants, and often don't work nearly as many hours as those in the kitchen. I am not saying they do not work hard, they do - but it must be noted that they are well rewarded for what they do. This is true with the current system. In this system, the business pays payroll tax on their earnings up to minimum wage, whatever that may be, and then gets a credit against any payroll tax they pay above that. This allows restaurants that work with a very small margin to see to it that their servers are rewarded well for what can be a trying job at times.

If the minimum wage goes up and the tip credit disappears, you are going to see a lot of restaurants eliminate tips all together. You are also going to see a lot of restaurants replace servers with iPads and use cheaper labor to bring food to the table and clear empty plates. It will simply not be possible for many if not most restaurants to fill in the gap between what they pay now and what they would need to pay were these rules changed.

In essence, if the minimum tipped wage goes up, you are directly hurting servers. There is no question that this is true. I simply do not understand why anyone would want to interfere in a system that works to everyone's benefit. Businesses are able to engage people who want to provide this service. Servers are well compensated, partially by the business, and partially by those they serve - it is an incentive to create happiness, which is what we do in the hospitality space. Customers have the option of not tipping if they have a bad meal or a bad time, letting the server know they did not do a good job, incentivizing them to try harder with the next guest. All in all, it works quite well most of the time.

If we allow this system to change, I think we will all be sorry when it is gone. Please support this bill, which seems to be in the spirit of trying to protect servers.

--

Jen Reed
Inn at Pleasant Lake
P.O. Box 1030, 853 Pleasant St.
New London, NH 03527
603-873-4833
innatpleasantlake.com

Named [Best New Hampshire Inn](#) by MSN.com.

Named Best of NH Romantic Getaway by New Hampshire Magazine, 2018.



Archived: Monday, June 7, 2021 10:58:09 AM
From: [Chrisinda Lynch](#)
Sent: Monday, May 24, 2021 3:58:16 PM
To: ~House Labor, Industrial and Rehabilitative Services
Subject: SB 137
Importance: Normal

Dear Representatives,

I urge you to vote this bill as Inexpedient to Legislate. A vote to keep the NH minimum wage for tipped workers at \$3.27, is a vote to keep many women and people of color at annual incomes below the poverty line.

If the federal government passes legislation to raise the minimum wage of tipped workers, our state government should not stand in the way of an improvement in the livelihoods of workers who depend on tips to pay for their and their families' daily necessities.

Thank you for your consideration,
Chrisinda M. Lynch
Concord, NH

Archived: Tuesday, May 4, 2021 1:14:34 PM
From: [Laura Hegfield](#)
Sent: Monday, May 3, 2021 4:15:30 PM
To: ~House Labor, Industrial and Rehabilitative Services
Subject: Oppose SB 137
Importance: Normal

Dear Committee Members,

As a citizen of NH I believe that it is our moral obligation to say NO to SB 137. The title of this bill "The Raise The Wage Act" is deceptive and does a disservice to people working in the service industry. Particularly women who make up most of this workforce! It is reprehensible to treat our fellow citizens so disrespectfully and with such careless disregard for their wellbeing. Every person, regardless of sexual or gender identity, race, religion or citizenship status (ether documented or undocumented if they are an immigrant) should have the right to earn a base pay that meets a living wage standard very least a LIVING WAGE, from working ONE job in order to care for themselves and their families before tips. Enough to cover the high cost of housing here in NH, to cover the cost of three nutritious meals a day for every member of their families, to cover the cost of transportation to get to and from work each day, and to cover the cost of health insurance including medical copays, medication and medical devices. \$15 is the bare minimum NOW, and will likely not be nearly enough to cover such costs when 2025 arrives.

With deep concern,
Laura Hegfield
Amherst, NH

Granite State Organizing Project

A voice for justice in the Granite State

House Labor, Industrial and Rehabilitative Services Committee
Testimony in opposition to SB 137: Relative to the minimum hourly rate for tipped employees.
Wednesday, May 4, 2021

Good afternoon members of the House Labor Committee. My name is Viola Katusiime; I am writing on behalf of the Granite State Organizing Project (GSOP)-a grassroots, non-partisan institution uniting faith, labor, and community groups to work towards a more just world. We would like to express our strong opposition to SB 137 that seeks to keep service workers living in poverty.

A 2021 analysis by the National Women's Law Center indicates that 79.3% of tipped workers in New Hampshire are women and the poverty rate of women in tipped occupations stands at a staggering 11.3% [\[1\]](#). Women are over-represented in the tipped industry and are hit hard by poverty-level wages, which leaves them vulnerable to economic insecurity and sexual harassment.

Women's concentration in tipped industries and other low-paid jobs is an important factor contributing to the persistent gender wage gap.

Women working full-time, year-round, are typically paid 82 cents for every dollar men receive. Furthermore, 12.9% of the tipped workers in New Hampshire are women of color. The wage gap also exists between races which is wider for Black women, Latinas, Native American women, and many subgroups of Asian American and Pacific Islander women compared to their white, non-Hispanic male counterparts. Studies show that states with One Fair Wage where workers get paid a standard minimum wage before tips have a slimmer wage gap, and the poverty rate is lower. But this bill seeks to widen that gap.

The intent of SB 137 is to keep the subminimum wages even much lower for the benefit of a few restaurant industry lobbyists. Working people in the tipped occupations deserve a fair minimum wage to ensure that they can support themselves and their families, no matter who they are or what job they hold. Increasing the tipped wage benefits workers, employers, and our state economy because workers will have more money to spend in the local economy.

I would like to conclude by urging committee members to oppose SB 137 strongly.

Thank you,

Viola Katusiime



[\[1\] National Women's Law Center. Women in Tipped Occupations, State by State.
<https://nwlc.org/wp-content/uploads/2021/02/Women-Tipped-Workers-State-by-State-2021-v3.pdf>](#)

Granite State Organizing Project

A voice for justice in the Granite State



Archived: Tuesday, May 4, 2021 1:11:05 PM
From: droottrm@aol.com
Sent: Monday, May 3, 2021 11:21:14 AM
To: ~House Labor, Industrial and Rehabilitative Services
Subject: SB137 OPPOSE
Importance: Normal

Dear Members of the House Labor Committee,

I write urging you to OPPOSE SB137 and vote it ITL. Tipped wage workers, who happen to be more than 70% women, are already struggling to make ends meet. During the pandemic many have lost their jobs, and many were already in poverty. These are people who could not work from home, who give service. This mean spirited bill would exempt them from the benefits of any potential increase in the minimum wage.

Can you seriously believe that anyone can live on \$3.27 an hour? Would you hire a babysitter at that rate? These are grown women, some of whom are single mothers. Really, \$3.27? Not all employers fulfill their obligation to be sure that they earn at least minimum wage. Breakfast tips aren't that great, and most of these folks are not working at high end restaurants.

Please, OPPOSE SB137 and vote it ITL.

Sincerely,
Diane Root

*Hope is being able to see light despite all of the darkness - Desmond Tutu
Compassion is one of the principal things that make our lives meaningful. It is the source of all lasting happiness and joy. - Dalai Lama*

*Diane Root
West Lebanon, NH
603-298-7597*

Archived: Tuesday, May 4, 2021 1:11:05 PM

From: [Margo Clark](#)

Sent: Saturday, May 1, 2021 9:53:43 AM

To: ~House Labor, Industrial and Rehabilitative Services


Subject: NH House Remote Testify: 1:00 pm - SB137 in House Labor, Industrial and Rehabilitative Services

Importance: Normal

Hello,

My name is Margo Clark and I am a resident of Portsmouth, NH. I am writing to testify against SB137 because all NH workers, including tipped workers, need a liveable wage. During the pandemic the restaurant industry has been hard, and workers are struggling to get by. Many cannot apply for unemployment insurance because they do not meet the base income level to qualify for benefits. Now, more than ever, is a time to stand with NH workers, not in opposition to them and their survival. NH's subminimum wage is presently \$2.37 per hour, which is dehumanizing for the thousands of service workers in this industry. I am asking you to prioritize the thousands of workers you represent and their well being, and vote against SB137.

Sincerely,
- Margo

Archived: Tuesday, May 11, 2021 10:09:56 AM
From: [Viola Katusiime](#)
Sent: Tuesday, May 4, 2021 6:45:17 PM
To: ~House Labor, Industrial and Rehabilitative Services
Subject: Testimony: SB 137
Importance: Normal
Attachments:
[GSOP testimony regarding SB 137-.docx](#) 

Dear members of the House Labor Committee,

I would like to submit a written testimony attached regarding SB 137.

Thank you for your service.

Best,

Viola Katusiime

Granite State Organizing Project

Email: Violakat@granitestateorganizing.org

Office: 603-668-8250

~~~~~  
Join GSOP as an individual member!

More information [here](#).

~~~~~

Archived: Tuesday, May 11, 2021 10:09:56 AM
From: Economic Justice-UCC.NH
Sent: Monday, May 10, 2021 3:55:37 PM
To: Will Infantine; Repinfantine@gmail.com; ~House Labor, Industrial and Rehabilitative Services
Subject: Re: Added Information on SB 137
Importance: Normal

Representative Infantine --

I am sorry if my point was not clear in my previous email to the House Labor Committee.

To respond to your second paragraph first: As I indicated at the beginning of my testimony on SB 137, I appeared before the Labor Committee on behalf of the Economic Justice Mission Group of the NH Conference, United Church of Christ (also known as the Congregational Churches). The UCC is the largest Protestant denomination in NH. I am a UCC pastor with connections to two congregations in NH -- as the Worker Justice Minister for the Meriden Congregational Church, UCC and as a "supply pastor" for another UCC congregation. I am not appointed or elected -- except to the extent that, in the UCC denomination, each congregation democratically votes on who to call as a pastor. The Economic Justice team that is part of the NH United Church of Christ Conference is charged with being a voice on economic justice and public policy matters in order to reflect the basic tenets of our faith.

In regard to your statement that "All tipped laws in every state become null and are overridden when the Federal Government increases the minimum wages," that is theoretically correct **but not if the minimum wage or tipped minimum wage in any given state is already higher than the federal minimum.** Looking just at the states contiguous to NH, for example, not one of the three states would be immediately affected if the federal "Raise the Wage Act" were it to pass. This is so inasmuch as Maine's tipped minimum wage currently is \$6.08, Massachusetts' is \$5.55 and Vermont's is \$5.875, whereas the now-pending federal legislation calls for a first-step increase in the tipped minimum wage of \$4.95.

I will try to make my point again, and I hope it is clear:

- * The sponsor of SB 137 says he introduced the bill in the event that the U.S. Congress and President act to raise the federal minimum wage, given the pending federal Raise the Wage Act (its passage is not a sure thing).
- * The current NH tipped minimum wage is \$3.27 and the bill sponsor wants to freeze that dollar figure into state statute.
- * If the federal Raise the Wage act is passed, NH's \$3.27 tipped minimum wage will be voided by that federal law because it calls for a first step of \$4.95 for the tipped minimum wage.
- * BUT, if the Raise the Wage Act is NOT passed, NH's tipped minimum wage stays as it is, just the way the bill sponsor wants.
- * So my question remains: Why is it necessary for the NH Legislature to pass this bill?

The bill sponsor indicated that he added language to the bill about charitable gaming workers and cigar bar workers at the request of advocates for those sectors, and he deferred to those advocates to explain the rationale. I would suggest that such language belongs in a separate bill dealing just with classification of those workers, if the Labor Committee deems such action to be essential.

Sincerely,
Rev. Dr. Gail Kinney
603-381-7324

On Thu, May 6, 2021 at 11:31 AM Will Infantine <will.infantine@optisure.com> wrote:

Gail,

All tipped laws in every state become null and are overridden when the Federal Government increases the minimum wages.

I do not understand what point you are trying to make.

Can you please tell me who you represent again and what your elected or appointed positions are?

Will



Will Infantine
Managing Director
Aspen Insurance Agency

T: 603-296-0358
F: 603-647-0330

40 Stark St, Manchester, NH 03101
www.optisure.com will.infantine@optisure.com

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From: Economic Justice-UCC.NH <economicjustice.nhcucc@gmail.com>
Sent: Wednesday, May 5, 2021 6:26 PM
To: HouseLaborIndustrialandRehabilitativeServices@leg.state.nh.us
Subject: Added Information on SB 137

****CAUTION: External Message. Do not click links or open attachments unless you recognize the sender and know the content is safe. If you suspect the email is suspicious, please contact IT****

New Hampshire Conference United Church of Christ
Economic Justice Mission Group

Dear Members of the NH House Labor, Industrial and Rehabilitative Services Committee:

Thank you for your patience on Wednesday May 5 in listening to the testimony on SB 137 “relative to the hourly minimum wage for tipped employees. I simply wanted to follow up my testimony with some additional information.

As was acknowledged by the sponsor, this bill was submitted in reaction to the fact that a bill to raise the federal minimum wage (the Raise the Wage Act) is now pending in the U.S. Senate. However, I fear the SB 137 drafters and proponents did not do the necessary research regarding the federal legislation.

The pending Raise the Wage Act (H.R. 603) which has passed the U.S. House and has been sent to the U.S. Senate addresses BOTH wage workers and tipped workers in a way that would override SB 137, thus making SB 137 irrelevant. I trust it is not the practice of this Committee to pass unnecessary or unenforceable legislation, so I would suggest that you set SB 137 aside with a unanimous vote of ITL.

If the Raise the Wage Act does **not** pass in the U.S. Congress, NH’s \$3.27 base tipped wage remains as is, just as the SB 137 proponents desire. But if or when the federal bill does pass, it will override NH’s \$3.27 tipped minimum wage, making SB 137 moot. So why pass SB 137?

Here is what the Raise the Wage Act calls for:

YEAR	Minimum Wage	Tipped Wage
Current	\$7.25	\$2.13

2021	\$9.50	\$4.95
2022	\$11.00	\$6.95
2023	\$12.50	\$8.95
2024	\$14.00	\$10.95
2025	\$15.00	\$12.95

Whether or not the effective year in the federal bill is changed (given that we are so far into 2021 already) or anything else is tweaked, this federal legislation, if passed, **will** override what is proposed in SB 137. But, again, if the federal bill doesn't pass, the SB 137 advocates get their wish of maintaining the NH status quo. This cries out with the reality that SB 137 is simply an exercise in irrelevance and is both ill-advised and unnecessary.

In regard to the added sections of the bill, if the Legislature, in its wisdom, wishes to isolate certain charitable gaming workers or cigar bar workers within labor law and to statutorily declare that such workers are deemed to be tipped workers and if the Legislature also wishes to set a base tipped wage for such workers that differs from (i.e. is higher than) any other state or federal base tipped wage, that is the Legislature's option. However, I would strongly suggest that this needs to be a separate piece of legislation.

Thank you for your attention to this matter.

Sincerely,

Gail Kinney

Rev. Dr. Gail Kinney

Cell: 603-381-7324

Archived: Tuesday, May 11, 2021 10:09:56 AM
From: [Economic Justice-UCC.NH](#)
Sent: Wednesday, May 5, 2021 6:26:40 PM
To: ~House Labor, Industrial and Rehabilitative Services
Subject: Added Information on SB 137
Importance: Normal

**New Hampshire Conference United Church of Christ
Economic Justice Mission Group**

Dear Members of the NH House Labor, Industrial and Rehabilitative Services Committee:

Thank you for your patience on Wednesday May 5 in listening to the testimony on SB 137 “relative to the hourly minimum wage for tipped employees. I simply wanted to follow up my testimony with some additional information.

As was acknowledged by the sponsor, this bill was submitted in reaction to the fact that a bill to raise the federal minimum wage (the Raise the Wage Act) is now pending in the U.S. Senate. However, I fear the SB 137 drafters and proponents did not do the necessary research regarding the federal legislation.

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2023	\$12.50	\$8.95
2024	\$14.00	\$10.95
2025	\$15.00	\$12.95

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In regard to the added sections of the bill, if the Legislature, in its wisdom, wishes to isolate certain charitable gaming workers or cigar bar workers within labor law and to statutorily declare that such workers are deemed to be tipped workers and if the Legislature also wishes to set a base tipped wage for such workers that differs from (i.e. is higher than) any other state or federal base

tipped wage, that is the Legislature's option. However, I would strongly suggest that this needs to be a separate piece of legislation.

Thank you for your attention to this matter.

Sincerely,

Gail Kinney

Rev. Dr. Gail Kinney

Cell: 603-381-7324

Archived: Tuesday, May 11, 2021 10:09:56 AM
From: Susan Bruce
Sent: Wednesday, May 5, 2021 12:44:48 PM
To: ~House Labor, Industrial and Rehabilitative Services
Subject: SB 137
Importance: Normal

May 5, 2021

To the Members of the House Labor, Industrial and Rehabilitative Committee:

I'm writing in opposition to SB 137, the bill that would freeze the tipped minimum wage at \$3.27, in the event of an increase in the federal minimum wage.

I worked in the food service industry for 20 years. I've been a server, a bartender, and a line cook. I suspect that most of the members of the committee have little experience in working for tips.

You will hear testimony from restaurant owners who are crying poverty. You will hear testimony from the lobbyists who represent the restaurant industry. You'll get a picture of posh, candlelit dining rooms, with tuxedo clad servers, deftly presenting gorgeously arranged plates, and serving expensive bottles of wine.

You won't be reminded that there are breakfast servers who work harder than anyone, for tiny tips. You won't be encouraged to think about the servers in diners – not the trendy diners – but the old school, greasy spoons, where the tips are not at all the same as those given in the posh candlelit dining rooms.

You also won't hear about wait staff being overscheduled on nights that are supposed to be busy, so that one can hang around for a few hours without ever waiting on a table, "just in case it gets busy."

Just imagine for a moment, what your job might be like if you had to rely on tips. The restaurant business is the only industry where owners get to subcontract the wages of a big portion of their staff to the whims of the public.

New Hampshire's tipped minimum wage is already lower than the tipped minimum in our neighboring states. In Maine the tipped minimum wage is \$6.00 per hour. In Vermont it is \$5.88. In Massachusetts, it is \$5.55.

This bid to freeze an already terrible wage is coming at a time when restaurants are having a hard time getting help. It's not because, as some would have us believe, that people are scoring big by collecting unemployment. It's because a lot workers aren't willing to risk their lives during a pandemic for substandard wages.

I would be remiss if I didn't point out that the fact that this bill is sponsored by multimillionaire State Senator Jeb Bradley who has never worked for tips in his life. Senator Bradley earned his money in the old fashioned way – he inherited it. I don't begrudge him his status in the lucky

sperm club. I do, however, bitterly resent a wealthy man trying to curry favor with the restaurant lobby by shafting the workers.

Please vote to ITL SB 137.

Sincerely,

Susan Bruce

9 Rumford St.
Concord, NH
603-730-7089
susanb.red@mac.com

Archived: Tuesday, May 4, 2021 1:20:37 PM
From: [Allan Beetle](#)
Sent: Saturday, May 1, 2021 2:47:46 PM
To: ~House Labor, Industrial and Rehabilitative Services
Subject: Freezing Tip Wage
Importance: Normal

Hello Members of the House Labor Committee,

I wanted to send along a note in support on the freezing of the tip wage.

In the last 6 months, we have raised our pay rates for managers and kitchen staff approximately 20%, bringing starting wages for dishwasher to \$12/hour and over \$20/hour for our most experienced line cooks. Our salaried managers earn between \$50K and \$80K with benefits.

Even with these recent raises, we are unable to find enough workers. If the labor market continues as is, we will not be able to come close to getting back to pre-pandemic revenues. We really don't know if this is a generational type phenomena, or due to pandemic related issues or perhaps due to increased unemployment benefits.

We certainly hope that the unemployment office is making sure people are looking for work.

During this recent time, we had considered raising the wages of our server staff. With approximately 25,000 hours of annual server wages in 2019 at our restaurant, we know that every \$1 increase in server staff would represent an annual expense increase of \$25,000 plus taxes and benefits.

We reviewed the claimed tips of our server staff, and the range of Tips per Hour was between \$20 and \$40/per hour. Of course, that is in addition to their hourly pay. In speaking with some fellow restauranteurs from other states who have a higher server rate than here in NH, the consensus was that the servers, even with higher hourly pay, don't even pay attention to their paychecks.

They focus on tips, where they earn \$20/hour up to over \$40/per hour. At least I can confirm that's what they have been earning here at Patrick's. I will acknowledge that I thought our reports might be in error when I saw a couple of our servers earning just over \$40/hour. Our management staff believes that tipping has been more generous since the pandemic, resulting in some of these higher end earnings.

I hope some of this information will help you in making your decision.

Thank you for your service,

Allan Beetle
Patrick's Pub & Eatery

Archived: Tuesday, May 4, 2021 1:20:37 PM

From: [Rick Luciano](#)

Sent: Saturday, May 1, 2021 1:22:36 PM

To: ~House Labor, Industrial and Rehabilitative Services

Subject: FREEZING TIP WAGE

Importance: Normal

DEAR MEMBERS

PLEASE **DO NOT CRUCIFY THE RESTAURANT INDUSTRY** BY RAISING WAGES

LET THE MARKET DICTATE WHAT WE PAY OUR EMPLOYEES !!!

KEEP THE TIPPED WAGE @ \$3.27 / HR. THEY ARE THE HIGHEST EARNING POSITIONS IN OUR INDUSTRY

PER HOUR UNDER CURRENT SYSTEM.

SINCERELY,

RICK LUCIANO / OWNER MERLINO'S STEAK 43 YEARS & STILL WORKING 7 DAYS PER WEEK
THANK YOU

Archived: Monday, April 26, 2021 11:05:54 AM
From: Michael McDonough
Sent: Friday, April 23, 2021 4:28:20 PM
To: ~House Labor, Industrial and Rehabilitative Services
Subject: SB137
Importance: Normal

Dear Committee Members

I am writing to urge your support of SB137. This bill as you know would hold the tipped wage at its current rate of \$3.27 in the event of a broader increase in the minimum wage. I'm sure you are aware of all the challenges our industry has faced over the past 13+ months. As a local owner/operator of 5 NH restaurants my greatest fear in these times is doing away with a tipped wage or seeing it increase to a level that I can't maintain staffing levels. My waitstaff earn an average of \$23/hour in gratuities and this wage is over and above that income. Please consider this bill strongly as it may very well be the difference in keeping some local operators in business.

Thank You

Mike McDonough
Homestead and Fratellos Restaurants

Bill as
Introduced

SB 137 - AS INTRODUCED

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.

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

3 Unless otherwise provided by statute, no person, firm, or corporation shall employ any employee at
4 an hourly rate lower than that set forth in the federal minimum wage law, as amended. Tipped
5 employees of a restaurant, hotel, motel, inn or cabin, or ballroom who customarily and regularly
6 receive more than \$30 a month in tips directly from the customers will receive a base rate from the
7 employer of not less than [~~45 percent of the applicable minimum wage~~] **\$3.27 per hour**. If an
8 employee shows to the satisfaction of the commissioner that the actual amount of wages received at
9 the end of each pay period did not equal the minimum wage for all hours worked, the employer shall
10 pay the employee the difference to guarantee the applicable minimum wage. The limitations
11 imposed hereby shall be subject to the following exceptions:

12 2 Contingency. Section 1 of this act shall take effect on the date the federal minimum wage is
13 increased from the federal minimum wage in effect on the effective date of this act.

14 3 Effective Date.

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

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