Wage Theft Complaint – Tip Pool Violation Somerville

Dear City Solicitor's Office,

I am reporting a possible wage theft violation under the Somerville Wage Theft Ordinance and asking that it be referred to the Wage Theft Advisory Committee. I am submitting this anonymously out of concern for retaliation.

The concern is a violation of the Massachusetts Tips Act (M.G.L. c. 149 § 152A), which bars employees with managerial responsibility from sharing in a tip pool.

The restaurant uses a pooled tip system. A manager who is paid a weekly management salary also works bartending shifts and takes a share of the staff tip pool on those nights. He usually bartends and manages on separate nights, but on some nights he does both, switching from bartending to managing and closing, and still takes a share of the pool. His management duties carry over to the nights he bartends. This has been going on for several years. He is hostile towards employees when managing, creating an poor and unlawful work environment.

I have already filed a complaint with the Massachusetts Attorney General's Fair Labor Division. I am asking the City to track this complaint, share it with the Wage Theft Advisory Committee, and coordinate with the Attorney General's Office as provided under the ordinance.

Please let me know if there is a formal complaint form I should complete, and how the City protects the identity of a complainant.

Thank you,
A concerned employee

You have notices related to this request's type.

Private Notes

Comments