



Damaging Data on Tip-Pooling Changes Withheld, Report Says

News

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Ted Boehm was quoted in the *Nation's Restaurant News* article "Damaging Data on Tip-Pooling Changes Withheld, Report Says."

The DOL in December published a proposed amendment to the Fair Labor Standards Act that would allow some back-of-the-house workers to share in tip pools. The proposed amendment only applies to employers who do not take a tip credit and who pay a full minimum wage. The public comment period on the proposal is scheduled to end on Feb. 5.

Ted said the proposed amendment is silent on the issue of employer control over tips.

But he added some could argue that "if the statute permits an employer to require that tips be shared with non-tipped employees, when no tip credit is taken, there is no basis in the statute for distinguishing that type of control from any other type of employer control over the tips."

To read the full article, visit [*Nation's Restaurant News*](#).

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