

116TH CONGRESS
1ST SESSION

H. R. 4437

To amend the Fair Labor Standards Act of 1938 to allow the pooling of tips among all employees, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 20, 2019

Mr. BIGGS introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To amend the Fair Labor Standards Act of 1938 to allow the pooling of tips among all employees, 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 “Small Business Flexi-
5 bility Act”.

6 **SEC. 2. TIP POOLING.**

7 Section 3(m)(2) of the Fair Labor Standards Act (29
8 U.S.C. 203(m)(2)) is amended—

9 (1) in subparagraph (A)(ii), by striking “em-
10 ployees who customarily and regularly receive tips”

1 and inserting “pools of employees described in sub-
2 paragraph (C)”;

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

4 “(C) The pools of employees described in
5 this subparagraph are as follows:

6 “(i) Employees who customarily and
7 regularly receive tips.

8 “(ii) Employees who—

9 “(I) customarily and regularly re-
10 ceive tips and receive a cash wage
11 paid by the employer that is not less
12 than the wage in effect under section
13 6(a)(1); and

14 “(II) do not customarily and reg-
15 ularly receive tips.”.

○