

1 HOUSE BILL NO. 335  
 2 AMENDMENT IN THE NATURE OF A SUBSTITUTE  
 3 (Proposed by the House Committee on Labor and Commerce  
 4 on \_\_\_\_\_)  
 5 (Patron Prior to Substitute--Delegate Gardner)

6 A BILL to direct the Department of Labor and Industry to study increasing tipped employee wages and  
 7 address wage theft by employers of tipped employees.

8 **Be it enacted by the General Assembly of Virginia:**

9 1. § 1. The Department of Labor and Industry shall convene a work group to study (i) increasing tipped  
 10 employee minimum cash wages incrementally until the minimum cash wage for tipped employees  
 11 matches the minimum wage prescribed by § 40.1-28.10; (ii) circumstances related to wage theft or  
 12 payment inequities by employers of tipped employees and recommendations related to mitigating such  
 13 wage theft or payment inequities; and (iii) amending the penalty provisions of §§ 40.1-28.11 and 40.1-  
 14 28.12 as they apply to employee remedies and employer penalties for violations of minimum wage  
 15 requirements. The work group shall include representation from tipped employee labor organizations,  
 16 legal aid organizations that represent tipped employees, tipped employee advocacy groups, employers of  
 17 tipped employees, and advocacy groups for employers of tipped employees. As used in this act, "tipped  
 18 employee" has the same meaning as provided in § 40.1-28.9.

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