

## 1 HOUSE BILL NO. 335

## 2 AMENDMENT IN THE NATURE OF A SUBSTITUTE

3 (Proposed by the House Committee on Appropriations

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) options for increasing  
10 tipped employee minimum cash wages, whether on an incremental basis or otherwise, and determine the  
11 most appropriate option; (ii) circumstances related to wage theft or payment inequities by employers of  
12 tipped employees and recommendations related to mitigating such wage theft or payment inequities; and  
13 (iii) amending the penalty provisions of §§ 40.1-28.11 and 40.1-28.12 as they apply to employee remedies  
14 and employer penalties for violations of minimum wage requirements. The work group shall include  
15 representation from tipped employee labor organizations, legal aid organizations that represent tipped  
16 employees, tipped employee advocacy groups, employers of tipped employees, and advocacy groups for  
17 employers of tipped employees. As used in this act, "tipped employee" has the same meaning as provided  
18 in § 40.1-28.9. The work group shall submit a report of their findings to the Chairmen of the House  
19 Committee on Labor and Commerce and the Senate Committee on Commerce and Labor no later than  
20 December 1, 2024.

21 #