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HOUSE BILL NO. 335

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Labor and Commerce

on _____)

(Patron Prior to Substitute--Delegate Gardner)

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

Be it enacted by the General Assembly of Virginia:

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

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