

**As Introduced**

**130th General Assembly  
Regular Session  
2013-2014**

**H. B. No. 534**

**Representative Antonio**

**Cosponsors: Representatives Milkovich, Foley, Hagan, R., Wachtmann,  
Cera, Williams, Rogers, Driehaus, Fedor**

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**A B I L L**

To enact sections 4111.18 and 4111.19 of the Revised 1  
Code to prohibit an employer from requiring the 2  
employer's employees to participate in a tip pool. 3

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 4111.18 and 4111.19 of the Revised 4  
Code be enacted to read as follows: 5

**Sec. 4111.18.** (A) As used in sections 4111.18 and 4111.19 of 6  
the Revised Code: 7

(1) "Employee" and "employer" have the same meanings as in 8  
section 4111.14 of the Revised Code. 9

(2) "Gratuity" means a voluntary monetary contribution 10  
received by an employee from a guest, patron, or customer for 11  
services provided by the employee. 12

(3) "Tip pool" means a system by which an employee is 13  
required to pay any gratuity received by the employee into a 14  
common fund for distribution among multiple employees of the 15  
employer. 16

(B) No employer shall require an employee of the employer to 17  
participate in a tip pool. 18

(C) Nothing in this section shall be construed to prevent 19  
either of the following: 20

(1) Employees of an employer from voluntarily entering into 21  
an agreement to divide gratuities among themselves; 22

(2) An employer from voluntarily providing custodial services 23  
for the safekeeping of funds to be divided among employees 24  
according to an agreement entered into under division (C)(1) of 25  
this section. 26

(D) Any account managed by an employer pursuant to division 27  
(C)(2) of this section shall be properly identified, segregated 28  
from other business records, and open to examination by an 29  
employee for whom the account is held. 30

**Sec. 4111.19.** (A) Except as provided in division (B) of this 31  
section, an employer who requires an employee of the employer to 32  
participate in a tip pool in violation of section 4111.18 of the 33  
Revised Code is liable to the affected employee for both of the 34  
following: 35

(1) The full amount that the employee would have received in 36  
tips absent the tip pool, less any amount actually paid to the 37  
employee from the tip pool; 38

(2) The costs and reasonable attorney's fees as may be 39  
allowed by the court. 40

(B) An employer who requires an employee of the employer to 41  
participate in a tip pool in violation of section 4111.18 of the 42  
Revised Code knowing that the requirement is prohibited under 43  
state law is liable to the affected employee for both of the 44  
following: 45

(1) Double the difference between the full amount that the 46  
employee would have received in tips absent the tip pool and the 47  
amount actually paid to the employee from the tip pool; 48

(2) The costs and reasonable attorney's fees as may be  
allowed by the court.

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