

# Senate Bill 922

Sponsored by Senator SMITH DB

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act requires credit card tips to be given to certain employees within 24 hours. (Flesch Readability Score: 61.8).

Requires employers to distribute to food service industry employees the tips received from credit card transactions within 24 hours after the credit card transaction is processed.

## A BILL FOR AN ACT

1  
2 Relating to the payment of tips received by employees in the food service industry; amending ORS  
3 653.035.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 653.035 is amended to read:

6 653.035. (1) Employers may deduct from the minimum wage to be paid employees under ORS  
7 653.025, 653.030 or 653.261[,] the fair market value of lodging, meals or other facilities or services  
8 furnished by the employer for the private benefit of the employee.

9 (2) Employers may include commission payments to employees as part of the applicable minimum  
10 wage for any pay period in which the combined wage and commission earnings of the employee will  
11 comply with ORS 653.010 to 653.261. In any pay period where the combined wage and commission  
12 payments to the employee do not add up to the applicable minimum wage under ORS 653.010 to  
13 653.261, the employer shall pay the minimum rate as prescribed in ORS 653.010 to 653.261.

14 (3) Employers, including employers regulated under the federal Fair Labor Standards Act, may  
15 not include any amount received by employees as tips in determining the amount of the minimum  
16 wage required to be paid by ORS 653.010 to 653.261.

17 (4) **Whenever an employee in the food service industry receives a tip from a credit card**  
18 **transaction, the employer shall distribute the tip amount to the employee within 24 hours**  
19 **after the credit card transaction is processed.**

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**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.