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DON'T GET SHORTCHANGED: WHAT ARE YOUR RIGHTS AS A TIPPED EMPLOYEE?

Working in the service industry is physically and mentally demanding. Between managing customer expectations, memorizing specials, and keeping up with a fast-paced environment, the last thing you should have to worry about is your paycheck. However, the laws surrounding tipped employees are complex, and unfortunately, wage theft is all too common in restaurants and bars.

Many servers and bartenders assume that because they earn tips, their hourly rights are minimal. This isn't true. Federal law, specifically the Fair Labor Standards Act (FLSA), provides strict protections regarding your

wages. Understanding these rights is the first step to ensuring you are paid every penny you have earned.



Your Tips Belong to You

The most fundamental rule for tipped employees is simple: your tips are your property. They do not belong to the restaurant owner, the manager, or the corporation.

Under federal law, employers are prohibited from keeping any portion of an employee's tips for any purpose. This applies even if the employer does not take a "tip credit" and pays the full minimum wage. Whether paid in cash or via credit card, that money is yours. If management attempts to skim off the top or withhold gratuities for "house expenses," they are likely violating the law.

The Tip Credit and Minimum Wage

One of the most confusing aspects of service industry pay is the "tip credit." Under federal law, employers are allowed to pay tipped employees a cash wage as low as \$2.13 per hour. This is significantly lower than the federal minimum wage of \$7.25 per hour.

However, there is a catch that many employees overlook. The employer is only allowed to pay \$2.13 per hour if your tips bring your total hourly earnings up to at least \$7.25. If you have a slow week and your tips plus the \$2.13 cash wage do not add up to the federal minimum wage, your employer must make up the difference.

Furthermore, employers must inform you in advance if they intend to use the tip credit. If they fail to provide this notice, they may be required to pay you the full minimum wage of \$7.25 per hour, plus allow you to keep all your tips...

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