New Payroll Regulation Effective 1/1/19

Despite strong engagement from the House, Senate and Governor’s office, legislation delaying the implementation of Section 27 of the so-called “Grand Bargain” did not pass at the end of the last legislative session that expired on 1/1/19.

Section 27 reads as follows:
Said Section 7 of said chapter 151, as appearing in the 2016 Official Edition, is hereby further amended by inserting after the words “section 1”, in line 36, the following words:- ; provided, however, that an employer shall calculate the amount required by clause (2) at the completion of each shift worked by the employee, with payments to the employee to be consistent with section 148 of chapter of 149.

What does this mean?
Operators must calculate the difference between the service rate and earned tips at the completion of each shift worked by the employee to ensure the employee earned at least the minimum wage for all hours worked. Historically, this calculation has been required to be completed at the end of each pay period.
Dear Members,

Welcome to 2019! The weather gods gave us a great gift in the November/December calendar with an extra week of holiday sales along with a relatively mild start to the winter season, one very minor storm, and several days of light jackets! We have seen this movie before I believe, and we know better. But we are also better prepared than we have been in the past, and I know our resilience will get us through this winter. I believe we can carry the sales momentum from December not only into January and February, but far beyond.

Of course, our beloved Patriots have confounded us at times, but now appear poised to make a run in the playoffs and hopefully through the first week of February, but I think we now all build that factor into our budgets every year.

What I look forward to most in 2019, is the optimism surrounding the restaurant industry. America still eats 52% of their meals away from home, and we love when those guests walk through our doors. I am excited to get back to focusing on taking care of our staffs and collectively exceeding our guest’s expectations every visit. And in January and February, those guests are starting to stream through our doors with all their holiday gift cards in their hands, and we look forward to developing strong relationships with them and bringing them back more and more.

Please mark your calendars for March 3-5, 2019, which of course is our annual New England Food Show located at the Boston Convention & Exhibition Center. We are looking forward to continuing to build upon the momentum in attendance of the last few years, so if you are a business partner and thinking of exhibiting, don’t hesitate, as space is rapidly filling up and you do not want to be left out. NEFS is the place to be seen and also to view the latest goods and services available to us, network with the entire food & beverage community, and attend great learning sessions at our Ed Quarters.

And finally, we will once again have our Annual Awards Dinner on Monday, March 4th, this year held at The Seaport Hotel. You can come to the show that day, walk the floor and stick around for a great party and recognition with your peers without having to move your car- the hotel is just a short walk across the street. The selection committees will soon announce this year’s slate of deserving winners, but please hold that date on your calendar.

So…in the rear view mirror is a crazy 2018, but here is to looking forward through the front windshield to a great 2019 – cheers!

Pat Lee

MRA Chairman
email: plee@themassrest.org
For example: A restaurant server works one 5-hour shift on Tuesday and one 5-hour shift on Saturday during the same pay week. On Tuesday, the employee earns $21.75 in service rate wages + $20.00 in tips for a total earned of $41.75. The new law requires that the employee receive at least $60.00 for the shift (5 hours x $12.00 minimum wage rate). The employer would be required to add $18.25 to the employee’s next pay check to cover the differential for this shift.

The State Attorney General’s Office has put out the following guidance:

**Pay and Record Keeping: Tips**

How to comply:
Operators are going to have to work with their payroll and point of sale companies to make sure systems are in place to ensure minimum is earned for each shift. Otherwise, there would be risk of being liable for nonpayment of wages for every occasion this happens. The amount trebled could be the entire week’s pay, not just the amount underpaid for any shift.

What is the minimum that a tipped employee would need to earn?

<table>
<thead>
<tr>
<th>Hours</th>
<th>Minimum Tips</th>
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<tbody>
<tr>
<td>3</td>
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<tr>
<td>4</td>
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<tr>
<td>5</td>
<td>$38.25</td>
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</table>

And so on...

Is this over?
Just because the last session ended without a delay or correction, we will continue to advocate for a correction. The MRA team has been actively meeting with legislators and the Governor to delay and/or modify this legislation. The American Payroll Association has sent letters to legislative leaders requesting a one year delay, as their systems will not be compliant on 1/1/19. That has not changed, there are still thousands of operators who do not have the ability to comply outside of making manual corrections.
Operators are so busy running their operation that certain changes to laws and regulations may sometimes fly under the radar. Below is a brief summary of some of the changes that have gone into effect over the last year. As always, for more information about any of these or other questions, contact the MRA.

**Massachusetts Equal Pay Act**
The Massachusetts Equal Pay Act took effect on July 1, 2018. This law ensures that no employer may discriminate in any way on the basis of gender in the payment of wages, or pay any person a salary or wage rate less than the rates paid to employees of a different gender for comparable work. Comparable work is work that requires substantially similar skill, effort and responsibility under similar working conditions.

**Massachusetts Non-Compete Law**
The Massachusetts non-compete law went into effect on October 1, 2018. While employers will still be able to utilize non-compete agreements for most workers, the new law necessitates a new approach to drafting, implementing and enforcing these agreements.

**New Massachusetts Food Code**
The Massachusetts Department of Public Health (DPH) has adopted the 2013 FDA Food Code. The new code includes amendments made by FDA in 2015 and additional amendments adopted by DPH in 2018. Prior to this adoption, Massachusetts had been operating under the 1999 Food Code.

**HIRD Disclosure Form**
Beginning in November, Massachusetts unveiled a Health Insurance Responsibility Disclosure (HIRD) form, a new employer state reporting requirement. The HIRD form collects employer-level information about sponsored health insurance offerings. The HIRD reporting is administered by MassHealth and the Department of Revenue and will be collected through the MassTaxConnect web portal.

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**CALL FOR NOMINATIONS - MRA ANNUAL AWARDS OPEN TO ALL MEMBERSHIP**

On behalf of Chair Pat Lee, you will find both the criteria for the 5 categories of awards as well as the list of prior winners to assist you in nominating those you think are most deserving for this year’s awards. These will be used by the selection committees as a guide in making this year’s choices for winners. Nominations can come from anywhere across the state, large, small, single or multiunit or any line of goods or services. Please return these to Bob Luz at bluz@themassrest.org by close of business on 1/14/19. Thank you for your assistance!

**SERVSAFE WORKPLACE LAUNCHED ONLINE TRAINING FOR HARASSMENT PREVENTION PROGRAMS**

ServSafe Workplace is a new suite of ongoing training programs that focuses on creating and sustaining a safe and appropriate work environment for all employees. For more information on what ServSafe Workplace is, click here.

To learn more about Sexual Harassment Prevention For The Restaurant Industry, click here.
SUNDAY BUSINESS KEYNOTE
Aman Narang, President and Co-founder, Toast
As President and Co-founder of Toast, Aman Narang leads innovation and business development initiatives. Prior to Toast, Narang has worked on innovation initiatives at Endeca, now Oracle. At Endeca, Narang spearheaded the development of their business intelligence platform as well as their mobile commerce platform, both of which have become major business units. Narang holds a B.S and M.S. in Computer Science from the Massachusetts Institute of Technology (MIT).

MONDAY CULINARY KEYNOTE
Anne Burrell, Chef and Food Network Personality
With her trademark, spiky blond hair and pumped-up personality, Anne Burrell has worked at some of the top restaurants in New York, studied the culinary landscape and traditions of Italy, and is a New York Times bestselling cookbook author. She has hosted the series premiere of Food Network’s Worst Cooks in America: Celebrity Edition, as well as Food Network’s Worst Cooks in America, Chef Wanted, and Secrets of a Restaurant Chef and has been a guest on Good Morning America, The Talk, TODAY and The Rachael Ray Show. Burrell feels fortunate to have found a field that satisfies her so completely. “I feel so lucky that I have found my true passion in life.”

TUESDAY BEVERAGE KEYNOTE
Jim Koch, Founder and Brewer Samuel Adams
A sixth-generation brewer, Jim Koch had no idea he would ignite an American craft beer revolution when he brewed his first batch of lager from his great-great-grandfather’s recipe in 1984. He just knew that he wanted to create the best craft beer possible, big on both quality and flavor. Today, Samuel Adams is one of America’s largest craft breweries. And, Koch continues to dedicate the same care and passion to his current lineup of 60+ beers as he gave to that first Samuel Adams Boston Lager. He gives back to the industry through the Samuel Adams Brewing the American Dream program which helps food and beverage small business owners and craft brewers gain access to capital, mentoring, and networks. Koch is also the author of Quench Your Own Thirst: Business Lessons Learned Over a Beer or Two.

CHECK OUT THE AMAZING NEFS CENTER STAGE PROGRAMMING

2019 NEFS WOMEN’S LEADERSHIP PANEL
Panelists from left to right: Chef Jody Adams, Trade, Porto and Saloniki; Chef Joanne Chang, Myers + Chang and Flour Bakery; Chef Tiffany Faison, Tiger Mama and Sweet Cheeks; Chef Valerie James, Vals. Moderated by Film Maker Joanna James.

CHEF COOKING DEMOS
Chef Andy Husbands Smoke Shop
Chef Daniel Gursha Ledgers
CHEF KARI UNDERLY Butcher Range Partners
Chef Chris Sayegh The Herbal Chef
GM Dylan Todd Earls
Mixologist/Bar Manager Melinda Maddox, Earls

AND MORE TO COME! CLICK HERE FOR MORE INFO ON WHAT’S HAPPENING ON CENTER STAGE.
Fun Facts about Mamma Mia’s Restaurants

1. The restaurants have all three generations working in them side by side with employees.
2. There are 6 Mamma Mia’s, 1 Carmela’s Restaurant, Mia’s Catering, 1 Three V Restaurant and 1 Mia’s Market owned by the same family.
3. The red sauce is really a family secret. The original owners come in and mix the spices and leave them in cups for the cooks to add to the rest of the recipe.
4. Every week the wives of the original owners come in and hand roll the tortellini’s sold in the restaurant.
5. We have our own private labeled wine named Two Brothers in honor of our founding owners.
6. It takes a full year of training to make our pizza the Mamma Mia’s way.
7. One of the original owners still goes into the North End every Friday to meet with vendors.
8. We make 18,000 gallons of our traditional red sauce each Friday. That’s over 774,000 tomatoes!
9. We make over 255,000 pounds of fresh pizza dough each year. That’s the same weight at 21 elephants.
10. Over 39% of our employees have worked for us for 5 years or more!

Mamma Mia’s
Homemade Pizza, Pasta & more

WE ARE THE MRA
MEMBER PROFILE

RESTAURANT: Mamma Mia’s
LOCATIONS: Kingston, Plymouth (North and South), Hanover, Marshfield, and Carver.
YEAR FOUNDED: 1974 we opened our first location in Kingston.
WEBSITE: www.mammamis.net
WHAT IS YOUR RESTAURANT SPECIALTY? Italian food.
WHY IS THE MRA IMPORTANT TO YOU AND YOUR BUSINESS? The MRA gives us the chance to speak with other operators of restaurants and their experience that otherwise we wouldn’t have the opportunity to do. The resources and social connections that are made through the MRA are invaluable. Along with the many trainings and classes for all positions of the industry.

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Learn from the experts on revenue and profitability, technology, digital media, and other hot topics including session titles like:

- **Wealth Management and Exit Strategies:** John Napolitano, *US Wealth*; Frank McLaughlin, *Antares CPA*; and Restaurateur Paul Turano, *Cook Newton*
- **All You Need to Know About EMV:** Moderator Jenn Almeida, The MRA; Geoffrey Hoffman, *Heartland*; and John Surdek, *Retain Control Solutions*
- **The 4 Pillars of Success to Drive Guest Frequency:** TJ Schier, *SMART Restaurant Group*
- **Drive Revenue Through Social Media:** JQ Louise, Brittany DiCapua, Georgia Castellucci

- **Google**
- **Sustainable Farming:** Todd Bard, *EvanLEE Organics*
- **Cultural Intelligence:** Gerry Fernandez, *Multicultural Foodservice Hospitality Alliance*, Darryl Settles, *Catalyst Ventures*

### 2019 SERVSAFE TRAINING SCHEDULE

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**CLASS LOCATIONS:**

- **MRA:**
  160 East Main St, Ste 2,
  Westborough, MA

- **KOWLOON:**
  948 Broadway, Saugus, MA

To sign up for training, call (508) 573-4180

### CHOOSE SAVING COURSES AVAILABLE AT THE MRA

**UPCOMING CLASSES FOR 2019:**

- Thursday, February 14, 2019
- Thursday, March 14, 2019
- Thursday, April 11, 2019
- Thursday, May 9, 2019

*All classes are 10-11am.*

Click [HERE](#) to register and for more information.
WELCOME NEW MRA MEMBERS!

FOOD & BEVERAGE OPERATORS

East Side Cafe
378 Newell Street
Pittsfield, MA 01201
(413) 447-9405
Beth Capitanio

Frannys and Patricks
36-40 Lebanon Street
Malden, MA 02148
(781) 324-3418
Ms. Kathleen Provitola

Garrison’s Restaurant
303 Boston Road
Billerica, MA 01821
(978) 670-1202
Warren Flanders

La Cucina
400 Assembly Row
Somerville, MA 02145
(401) 835-3442
William Zoll

Lucioso’s Pub
6 Spring Lane
Plymouth, MA 02360
(508) 746-0056
Gabriel Daher

Precinct 10
110 Main Street
Weymouth, MA 02188
Kevin Hynes
(781) 335-0010

Towne Taproom
378 Walnut Street Ext
Agawam, MA 01001
(413) 478-7535
Lou Bonavita

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Foxborough, MA 02035
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Robert Hickey

Goldberg & Vaccaro Tax Services LLC
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Burlington, MA 01803
(978) 663-4537
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US. FOODS

US WEALTH MANAGEMENT

Massachusetts Restaurant Association
160 East Main Street, Suite 2, Westborough, MA 01581
Phone: (508) 303-9905 www.themassrest.org

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