

To the Members of the House Education and Workforce Committee:

The undersigned organizations write to urge your support of the Tipped Employee Protection Act (H.R. 2312), which would amend the Fair Labor Standards Act (FLSA) to clarify the definition of “tipped employee,” strengthen wage protections for tipped workers, and provide additional clarity as to which workers fall under this category.

The Tipped Employee Protection Act would codify a more explicit definition of “tipped employee” by removing interpretive language such as “customarily” and “regularly” from the FLSA’s current definition. The bill would also prevent regulators from imposing arbitrary limits on the hours or duties a tipped employee may perform. Together, these provisions create a more stable compliance environment for employers and make it easier to classify workers accurately as tipped employees.

The Act safeguards tipped workers’ wages by preserving the current tipped wage formula. Under the FLSA, tipped employees must earn at least the federal minimum wage through a combination of their employer-paid base wage of \$2.13 and their tips. If tips fail to meet the minimum wage threshold, employers must pay the difference. Moreover, the bill upholds states’ authority to set higher minimum wages than the federal standard.

The Tipped Employee Protection Act strengthens wage protections for tipped workers while reducing compliance challenges for employers. We urge your support for this important legislation.