



MISSOURI Restaurant News

June 24, 2021

Department of Labor Proposes to Reinstate "80/20" Rule

The U.S. Department of Labor (DOL) issued a proposed rule earlier today which seeks to reinstate the "80/20" interpretation of the Department's dual jobs regulation to address the application of the Fair Labor Standards Act (FLSA)'s tip credit to tipped employees who perform both tipped and non-tipped duties. Specifically, it proposes that if an employee performs work that directly supports tip-producing work for a substantial amount of time – exceeding 20 percent of all the hours worked during the employee's workweek or exceeding 30 continuous minutes – "that worker is no longer performing labor that is part of the tipped occupation." The proposal goes on to clarify that employers may not take a tip credit for work that is not part of the tipped occupation.

Missouri Restaurant Association, as well as our partners at the National Restaurant Association, are on record opposing the "80/20" rule. MRA in 2018 filed an [Amicus Brief](#) in support of a suit brought by the Texas Restaurant Association and NRA's Restaurant Law Center that challenged the validity of the "80/20" rule. Assigning arbitrary caps and attempting to micromanage restaurant work at the level of task assignment has led to mass compliance burdens and unnecessary and costly litigation. Restaurants attempting to emerge from the pandemic on solid footing should not be saddled with compliance and legal challenges that the reinstatement of this rule would create. Comments regarding the DOL's [proposed rule](#) are due by August 23.

An article appearing in [Restaurant Business](#) likely signals the opinion of the Biden DOL regarding the "80/20" rule.



New MRA member benefit

Great news! MRA is now officially partnered with GiftAMeal, a terrific charitable marketing organization, founded and based in Missouri, that many of you already work with.

GiftAMeal offers MRA members a deep discount and for a limited time is donating \$100 to the MRA Education Foundation for each member that participates in the program.

GiftAMeal has over 40,000 app users who look at their app when deciding where to eat. Then, each time a user takes a photo at a participating restaurant, GiftAMeal donates to a local food bank to provide a meal to someone in need. It is very straightforward for you to join — a small flat fee with no contract or commitment.

Our very own Meegan Whitehead (President of the Greater St. Louis Restaurant Association and General Manager of Anthonino's Taverna) has partnered with GiftAMeal for years. Commenting on the program, she stated, "Customers love it, and it gets them talking and sharing their experiences. It is marketing by doing good, and I love seeing the impact add up month after month. Compared to traditional advertising, there is just so much value — AND it feeds people. Even though it is just a small part of a marketing budget, it's the part that I feel most excited to spend."

Access your discount and book a free demo with the GiftAMeal team at www.giftameal.com/mra. You can also reach out to GiftAMeal's CEO Andrew Glantz directly at andrew@giftameal.com or at 314-656-6244.

Personalized health insurance for hospitality workers

The Missouri Restaurant Association is pleased to offer hospitality workers access to a variety of health insurance solutions for individuals & families.

Licensed insurance agents are standing by ready to walk you through your insurance choices. They can help you find the right plan at the right price that's the right fit for you from a variety of top health insurance companies.



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