

Skycaps sue airline over tips lost to bag fee

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Tony Pasuy has worked as a skycap for American Airlines at Logan International Airport since 1993 and says he always loved the job. Dressed in the airline's trademark blue-and-white uniform, he helps travelers check in luggage outside the terminal, hoists heavy suitcases onto carts, and guides people in wheelchairs. Many passengers apparently liked him, too, giving him about \$200 a day in tips, he said.

That changed in September 2005, he testified yesterday in federal court. American Airlines began charging passengers a \$2-per-bag fee for curbside check-in service. Since then, Pasuy said, his total tips have plunged to an average of \$70 to \$80 a day, and sometimes much less. Many customers, he said, mistakenly think skycaps keep the \$2 fee and are reluctant to tip on top of it.

"They'll say: 'Well, this is what I have. I'll take care of the bags, but there's not much for you,' " related Pasuy, 35, of Lynn. Like other skycaps, he earns \$5.15 an hour, far below the state's \$8-an-hour minimum wage, and he relies heavily on tips.

Yesterday, a civil lawsuit by Pasuy and nine other skycaps against American Airlines went to trial in US District Court. They contend that American Airlines has violated the state's tips law by keeping the \$2 fees and by making it harder for them to earn income. They want restitution for all lost tips, which their lawyers say totals millions of dollars.

But American Airlines says it has done nothing wrong. It points out that signs posted at curbside kiosks say the fee excludes gratuities. The carrier says in court papers that it imposed the fee at Logan and other airports after losing \$821 million in business in 2004 and contends that declining air travel after 9/11 may have caused tips to fall.

The airline is also challenging the credibility of the skycaps. Under questioning by lawyers for the airline and the skycaps, Pasuy acknowledged that he failed to report his tips to the IRS in recent years and said he earned only \$8,001 in 2006, far less than his actual income.

Several airlines - including United, US Airways, and Northwest - began charging a baggage fee in recent years, but the suit in US District Court in Boston is the first to challenge it, Shannon Liss-Riordan, a Boston lawyer for the skycaps, said in an interview. Her firm is helping to prepare a similar suit against US Airways, she said.

The complaint against American Airlines resembles a string of suits that Liss-Riordan's firm has filed against restaurants, hotels, and country clubs on behalf of service workers who accused employers of depriving them of tips. In 2004, the Legislature expanded the state's tips law to cover employees outside the food and beverage industries.

The skycaps asked District Judge William G. Young to certify their claim as a class-action suit on behalf of all American Airlines skycaps working at airports with the fee, but the judge denied the request.

Nine of the skycaps who filed the suit work at Logan. The remaining skycap works at Lambert-St. Louis International Airport in Missouri. Most work for an American Airlines subcontractor, G2 Secure Staff of Irving, Texas.

In more than two hours on the stand, Pasuy said travelers had typically tipped \$1 for every bag he handled at the curb before September 2005. When the airline put up signs saying that customers had to pay a \$2 fee for every piece of luggage, Pasuy said, many travelers mistakenly assumed the money went to skycaps.

"I'd tell them, 'It's not a gratuity,' " he said under questioning by another lawyer for the skycaps, Hillary Schwab.

To avoid confusion, Pasuy said, the skycaps placed labels saying "gratuity not included" on curbside signs. Later, the airline printed signs with the same message.

Still, Pasuy said, his tips have dwindled. He said he sometimes goes home with as little as \$20 and recently began

moonlighting as a turnpike toll collector.

Under cross-examination by Amy Mariani, a lawyer for the airline, Pasuy acknowledged that he sometimes worked a second job before the fee went into effect. He also said other factors could have caused tips to fall, including the wobbly economy and cuts the airline made in flights to Florida.

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