

Skycaps at Logan sue over lost tips

They blame bag fee levied by airline, firm

By Sacha Pfeiffer, Globe Staff | December 21, 2006

Two American Airlines skycaps at Logan International Airport have filed a class-action lawsuit against the carrier and the contract company that employs them for allegedly withholding their tip money and failing to pay them minimum wage.

The accusations stem from a \$2-per-bag fee that American began imposing last year on travelers who use its curbside check-in service, a charge that the airline concedes may cause tips to plummet, since few passengers offer a tip in addition to the bag fee.

Yet skycaps, who traditionally have received most of their compensation from tips, don't benefit from the charge, which flows primarily to the companies with which American contracts for skycap services.

The complaint, filed yesterday in Suffolk Superior Court, is the latest in a string of lawsuits by service workers who have accused their employers of depriving them of tips, which are sometimes distributed to other workers, including managers. The lawyer who filed it said she believes it is the first in the state to address tipped employees not employed in the food and beverage industries.

"American Airlines is turning to some of its lowest-paid workers to help defray the costs of its business," said Boston attorney Shannon Liss-Riordan, who filed the complaint and has filed about 20 similar suits in recent years against restaurants, hotels, and country clubs.

"The skycaps are hard workers; they hustle and they work hard for their tips to provide service to passengers to make it a little easier before they try to catch a flight," Liss-Riordan said. "And American Airlines, in trying to save some money . . . is taking the tips out of their pockets."

A spokesman for American said airline officials had not seen the suit and could not comment. The president of G2 Secure Staff of Irving, Texas, which American uses to provide its Logan skycap service, was vacationing and could not be reached for comment.

But the American spokesman, Tim Smith, said the airline began testing the fee several years ago in a limited number of markets and now charges it throughout its domestic system, except at a few small airports where American shares skycaps with other airlines.

It was adopted to reduce the expense of American's skycap services, which previously cost "in the low eight figures a year," said Smith. Most of the money goes to companies American hires to operate its skycap services, while the airline keeps a small percentage for administrative costs.

It is one of numerous efforts to cut costs that airlines have employed, such as charging for in-flight meals, since fuel costs soared and passenger volume declined after the Sept. 11, 2001, terrorist attacks.

"The \$2 charge is not a tip, in our estimation," Smith said. "It is a service charge for those who choose to use the convenience of this service . . . and customers who use this service are still free to tip above any service fee if they want to."

American officials are aware that tipping decreased after the bag charge was imposed, but in most cases the tips returned to customary levels three or four weeks after the fee was implemented, he said.

That has not been the case for Don DiFiore, a lead plaintiff in the case, who calls the charge "a direct assault on my tips."

DiFiore, who lives in Derry, N.H., has been an American skycap at Logan since 1983. Since the fee was imposed, he said, his pay has sometimes dropped by "a couple hundred dollars a week," prompting him to eliminate his home telephone and cable service to trim expenses.

And because American prohibits skycaps from asking for tips, he said, many passengers are unclear about the fee's purpose.

"A lot of people are actually very confused about this charge," DiFiore said. "They know we make tips and a lot of times they think they're tipping me, but they really aren't. So from my perspective I'm handing in my tip money." He said the skycaps would like the fee ended or for it to be given to them.

After American started collecting the fee, the hourly wage for skycaps was increased to about \$5 from \$2.63, which under state law is standard base pay for most tipped employees, who expect to substantially supplement their hourly wage with tips.

But according to Liss-Riordan, the skycaps' increased pay is still below the \$6.75 minimum hourly wage in Massachusetts, putting American and G2 in violation of the state's minimum-wage law, as well as its tip law, which was expanded in 2004 to include all tipped employees, such as valets and hairdressers, and not just food and beverage workers. The suit also accused the companies of not adequately notifying passengers that the bag fee is not a tip.

Leon Bailey of Roxbury, who was an American skycap at Logan from 1989 until last March, is also a lead plaintiff in the case.

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