

Starbucks skimmed from tips, barista says

Former worker files class-action lawsuit

By Jonathan Saltzman
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Starbucks may say on its website that it is committed to "putting people before products," but that hasn't stopped a former barista at a Chestnut Hill store from accusing the coffee giant of shortchanging him of tips left by caffeine-craving customers.

In a class-action suit filed yesterday in Suffolk Superior Court, Hernan Matamoros says Starbucks routinely violated Massachusetts law by requiring baristas to share money left in tip jars with shift supervisors, who perform similar duties but typically earn more and have managerial responsibilities.

"Every customer who walks in the door isn't necessarily thinking about who's getting the tips, but one would assume it's going to the workers and not the managers," said Shannon Liss-Riordan, one of the Boston lawyers representing Matamoros.

Matamoros, 18, of Somerville, who worked briefly at a Starbucks on Boylston Street and is now employed by another coffee shop, declined to be interviewed, Liss-Riordan said.

The suit was filed five days after a California judge, ruling in a nearly identical class-action suit, ordered Starbucks to pay baristas in that state more than \$100 million in tips and interest to cover gratuities that the company handed over to shift supervisors.

Some of the more than 120,000 current and former baristas affected by the California suit could each receive more than \$10,000, said Terry Chapko, a lawyer from San Diego who represented the plaintiffs.

Starbucks condemned the ruling as "an extreme example of an abuse of the class-action procedures in California courts" and vowed to appeal.

The company said that the suit had been filed by a single former barista and did not consider the interests of shift supervisors who "deserve their fair share of the tips."

Asked about a second class-action suit brewing on the other side of the country, a spokeswoman at Starbucks's Seattle headquarters said yesterday that company lawyers had not seen the complaint and could not comment.

At a busy Starbucks store in Boston's financial district, a barista preparing a foamy drink late yesterday afternoon referred a reporter's question to a shift supervisor who said that only the company's press office can handle media inquiries.

Matamoros brought the suit on behalf of thousands of people who have worked as baristas at the 199 Starbucks stores across Massachusetts over the past six years. (California, which is the coffee chain's largest US market, had 2,460 stores on Jan. 8, according to the company's website.) It would be up to a Massachusetts judge to grant the complaint class-action status.

The complaint says that Starbucks routinely pooled all tips left in a jar at the counter and then distributed them among baristas and shift supervisors.

That practice violated the Massachusetts tips law, which precludes managers from sharing tips reserved for waiters, bartenders, and other service employees who can legally be paid below the minimum wage, according to Liss-Riordan.

The law applies, she said, even though Starbucks baristas apparently earn above the state's minimum wage of \$8 an hour.

The suits in California and Massachusetts reflect a bicoastal collaboration of sorts. Chapko, who represented the California plaintiffs, said yesterday that his clients' suit was based on dozens of similar complaints that Liss-Riordan had filed in recent years against Massachusetts restaurants, hotels, and country clubs on behalf of service workers who said they were deprived of tips.

When Liss-Riordan learned about the \$100 million award by a San Diego County judge, she spoke with Matamoros and went forward with a suit on behalf of Massachusetts baristas.

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