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Skycaps sue American Airlines over lost tips

By Denise Lavoie, AP Legal Affairs Writer

BOSTON — When American Airlines began charging passengers a \$2-per-bag fee for its curbside check-in service at Logan International Airport, skycaps complained that the fee was seriously eating into their tips.

Skycaps, who make most of their pay through tips, say that many travelers are not willing to tip them on top of the \$2 charge.

A group of skycaps is taking its complaints to federal court this week in a lawsuit that seeks restitution of all tips lost by skycaps since the fee began three years ago.

"We are looking for fairness for the hardworking employees who every day help passengers — making travel a little bit easier," said Shannon Liss-Riordan, an attorney who represents the skycaps who filed the lawsuit, including nine who work at Logan and one who works at Lambert-St. Louis International Airport in Missouri.

"Some of these guys have worked for 20, 30 or 40 years as skycaps. This is their profession. These guys' lives were devastated by this."

Liss-Riordan would not give an estimate on how much in tips the skycaps claim they have lost because of the fee. But she said the lawsuit seeks restitution for all tips skycaps were deprived of since the fee was imposed in 2005.

"We know that American Airlines has made millions of dollars off of this charge," she said.

Skycaps complain in the lawsuit that many airline passengers see the fee as a forced tip and therefore do not tip them for handling their bags.

American Airlines' attorneys would not comment on the case Monday. Tim Wagner, a spokesman for the airline, said the company would not comment while the trial is underway. Jury selection was completed Monday; opening statements are scheduled for Thursday.

Many major airlines began imposing baggage fees as part of cost-cutting efforts following a steep decline in airline travel after the Sept. 11, 2001, terrorist attacks. United, US Airways and Northwest are among the airlines that also charge a baggage fee.

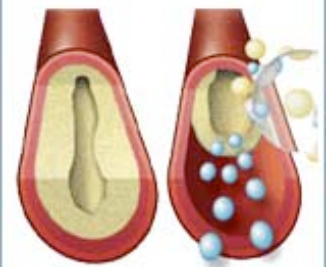
The fee does not go to the skycaps. It is split between American and the contractor it hires to operate its curbside check-in service.

In court papers filed in response to the lawsuit, American Airlines said its decision to impose the baggage fee came after it lost \$821 million in 2004. In 2005, "facing life-threatening fiscal

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challenges," American began testing a fee-based curbside check-in program at Logan and other selected airports around the country.

American said it posted signs at several locations on the curb informing passengers that they now had to pay the \$2-per-bag-fee. In addition, skycaps began putting handwritten labels on the signs that said, "Gratuities Not Included," and also told passengers that the \$2 fee was not a tip.

"Skycaps are still permitted, as before, to accept tips from passengers who choose to tip them," the company said in a recent court filing.

"The evidence will show that customers understood the fee was not a tip for the skycaps from day one. The evidence will further show that the plaintiffs cannot demonstrate any decrease in tip income resulting directly from American's implementation of the fee-based program."

Several skycaps handling curbside check-in for American Airlines passengers at Logan Monday would not give their names, saying they feared they would lose their jobs if they talked about the lawsuit.

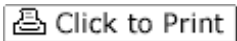
Attorney Hillary Schwab, who also represents the skycaps, said they realize that the airlines are going through tough economic times. "But the steps they are taking are disproportionately impacting their lowest-paid workers," she said.

The lawsuit claims American Airlines has violated the Massachusetts Tips Law by failing to distribute the \$2 charge to the skycaps and by not adequately notifying customers in writing that the charge is not a tip for skycaps.

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