



Cape employer sued over tips

By **Hilary Russ**
April 23, 2008

Workers have filed a class-action lawsuit against a longtime Cape Cod restaurateur and hotelier, alleging that tips meant for servers were distributed to managers and owners instead.

Two former employees of the Cape Codder Resort and Spa, both of whom tended bar at special functions, sued parent company Catania Hospitality Group and its president, William Catania, in Barnstable Superior Court last week, according to court documents.

One bartender, Walter Bednark of Centerville, worked for the resort from 2003 until 2006 and said he didn't receive all the tips he should have, the lawsuit claims. Instead, an 18 or 19 percent gratuity, which was added to food and beverage bills for functions, went into the pockets of owners or managers — not to Bednark or other servers and bartenders for whom it was meant, the lawsuit alleges.

Another man, Anthony D'Allessandro of Mashpee, also claimed he wasn't paid the proper part of his tips when he worked for Catania in 2005 and 2006.

Though the two men were named plaintiffs in the lawsuit, the case was filed on behalf of all employees who think they could have been cheated out of tips. They're asking for reimbursement of money they say they're owed, plus a tripling of any damages, attorneys fees and costs.

Catania Hospitality Group runs a number of well-known local establishments named in court papers, including the Dan'l Webster Inn and Spa in Sandwich, the John Carver Inn and Spa in Plymouth, and the Hearth 'n Kettle Restaurant chain.

Yesterday, Catania and his company had not been served with legal notice of the suit. "We can't comment on something we don't know about," said Sally Bowles, human resources director for Catania Hospitality Group. "We pay all of the employees their gratuities in the way that the attorney general and the Department of Labor has instructed us to."

State law mandates that waiters, bartenders and other service staff with no managerial responsibility retain all the tips and gratuities they earn. Managers and other employees not on the service staff aren't allowed to dig into the tip jar.

Catania was reported out of town and unavailable for comment yesterday.

The Boston law firm that filed the lawsuit against Catania specializes in labor and employment cases, according to its Web site. The firm sued Starbucks last month with similar allegations — that baristas at the ubiquitous coffee chain were getting slighted by managers who were taking a cut of gratuities.

Shannon Liss-Riordan, attorney for Bednark and D'Allessandro, did not return a call for comment, and the two men could not be reached.

Catania isn't the only Cape establishment to face civil claims of tip skimming. Separate cases against Chatham Bars Inn, filed in 2002, and Ocean Edge Resort and Golf Club in Brewster, filed in 2001, were settled.