

Starbucks supervisors accused of skimming tips from baristas

By Associated Press | Thursday, March 27, 2008 | <http://www.bostonherald.com> | **Business & Markets**

BOSTON - Starbucks Corp., stung by a California judge's ruling ordering it to pay \$106 million in tips and interest to baristas, is facing a similar lawsuit in Massachusetts.

A Somerville man who worked briefly as a barista at a Starbucks in Brookline claims the coffee retailer required him to share his tips with shift supervisors. The lawsuit alleges that the practice is a violation of a state law that prohibits managerial employees from sharing tips reserved for waiters and other employees who can legally be paid below the minimum wage.

Hernan Matamoros, 18, filed the suit on behalf of thousands of baristas who have worked at the 199 Starbucks stores in Massachusetts over the past six years. Lawyers for Matamoros are asking a state judge to certify the case as a class-action lawsuit.

The lawsuit was filed in Suffolk Superior Court Tuesday, five days after a California judge ruled in a similar case and ordered Starbucks to pay baristas in that state \$100 million in tips and interest.

"Baristas and shift supervisors are hourly store employees who serve our customers and provide the Starbucks Experience in our stores. We do not believe customers differentiate between them, because they provide the same customer service. As a result, they pool their tips when customers express their gratitude for superior service. In contrast, store managers and assistant store managers perform different functions than baristas and shift supervisors and do not share in the tips given by customers," Starbucks spokeswoman Valerie O'Neill said in a statement Wednesday.

She called the California ruling "fundamentally unfair and beyond all common sense and reason."

"We intend to vigorously appeal the Court's decision as well as defend any copy-cat litigation," O'Neill said.

Shannon Liss-Riordan, a Boston lawyer who represents Matamoros, said she did not have an estimate on how much tip money the Massachusetts baristas may have shared with supervisors over the last six years.

"It's thousands of baristas we're talking about. We expect it will be a substantial amount of money," she said.

Liss-Riordan said the Massachusetts Tips Law says that any employee with managerial authority is not permitted to be compensated out of the tips pool, but must be paid entirely by Starbucks.

"Even though the managers or shift supervisors may be performing many of the same duties as the baristas, because they have managerial authority, Starbucks has to pay the additional pay that they should receive," she said. "They have additional responsibilities and, under the law, Starbucks has to pay that money, not the baristas."

Liss-Riordan said her law firm is considering filing similar lawsuits on behalf of Starbucks baristas in several other states, including Minnesota and New York.