

Starbucks sued again over tip pools

California verdict could spark string of cases across nation

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A week after Starbucks was ordered to refund more than \$100 million to baristas in California over a tip pool controversy, the coffee giant was hit Tuesday with a similar lawsuit in Massachusetts.

And a Boston lawyer said more lawsuits could be filed in Washington, New York and Minnesota over whether shift supervisors can share baristas' tips.

In Suffolk Superior Court, barista Hernan Matamoros seeks restitution for himself and other baristas who worked for Starbucks during the past six years. He claims baristas did not receive the "total proceeds of tips" left by customers because the company allowed shift supervisors to have a portion of them.

Shannon Liss-Riordan, an attorney who filed the suit, said Massachusetts' law is even clearer than California's law that "anyone with managerial authority is not an employee who may receive a share of tips."

Seattle-based Starbucks Corp. said it had not seen the latest suit and had no comment.

The Washington state Attorney General's Office referred questions on tips to the Department of Labor and Industries. A department spokeswoman said her agency doesn't regulate tips, but tips can't be used to offset the state minimum wage.

Liss-Riordan said she has filed more than 30 tip cases in the past seven years, but the California verdict spurred her to move faster in suing Starbucks.

Last week a California judge ordered Starbucks to pay \$86.7 million plus interest, which could push the judgment to \$106 million, to thousands of baristas who were illegally forced to share their tips with shift supervisors.

In that case, the judge found the shift supervisors were "agents" of the company and were not allowed to share in tips.

Starbucks called the ruling "beyond all common sense and reason" and is appealing.

Chairman Howard Schultz said late last week the company had no intention of changing its tipping policy outside of California.

At Starbucks, tips left in a large jar are pooled and then distributed based on the number of hours a person works during the week among baristas and shift supervisors.

One lawyer who sued Starbucks in California said shift supervisors have the authority to send workers home during slow periods, which affects the tips for those workers.