



## Legal battle brewing over coffee chain's tip jars

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Nov. 27--BEVERLY -- A Dunkin' Donuts employee, steamed about having to share the proceeds from the tip jar with managers and others who aren't serving customers, has filed a class-action lawsuit against the owner of several North Shore Dunkin' Donuts franchises.

In a complaint filed earlier this week in Salem Superior Court, Jean Myers of Salem alleges that Dinart Serpa is violating the state tips law by forcing employees who serve customers to pool their tips, which are then split among the servers and other employees.

Serpa, of Beverly, is the owner of Dunkin' Donuts franchises in Beverly, Topsfield and Ipswich, through his company Dean Serpa Co.

Neither he nor Myers, nor her lawyer, Shannon Liss-Riordan, could be reached yesterday for comment on the lawsuit.

The Massachusetts "Tips Law" forbids employers from causing, requiring or permitting waitstaff employees to share their tips with non-waitstaff employees, such as managers.

The lawsuit asks a judge to certify the case as a class action and to order the payment of restitution for all tips distributed to managers, as well as damages to be determined by a judge or jury, which could be tripled under the law.

Myers has also filed a complaint with the attorney general's office, which recently sent a letter notifying her of her right to sue.

Similar lawsuits have been filed around the country. Some have been on behalf of servers who are paid a lower minimum wage for waitstaff, who rely on tips for the majority of their income, and who have objected to pooling tips or being required to "tip out" to other employees such as the hostess or a bartender.

More recently, servers who work behind the counter have also gone to court over tips. Those workers, who generally earn at least minimum wage, have objected to sharing the contents of the tip jar with supervisors.

Two years ago, a judge in California awarded employees of the Starbucks coffee chain \$105 million in a similar lawsuit over tip jars, but the ruling was later reversed by an appeals court.

The same firm representing Myers in her lawsuit is also representing Starbucks employees in the Boston area who are suing the chain over tip-jar splitting. That case is currently pending in federal court.