



Hard Rock, Maggiano's sued over tip distribution

By Donna Goodison | Friday, March 5, 2010 | <http://www.bostonherald.com> | Business & Markets

The tipping practices of the Hard Rock Cafe and Maggiano's Little Italy chains are being challenged in two federal class-action lawsuits filed Wednesday.

The damages for both cases could run into the millions of dollars, according to Boston attorney Shannon Liss-Riordan.

The suit against Brinker International-owned Maggiano's claims it adds mandatory gratuities or service charges to the bills for private-dining functions and events such as large parties - typically 18 percent to 20 percent - but doesn't distribute the full proceeds to the wait staff. The 45-restaurant chain instead keeps a portion for itself or to compensate management or other non-service employees.

Filed in U.S. District Court in Boston, the lawsuit was brought on behalf of Abdel Abla, a Winthrop resident who's a waiter at the chain's Boston restaurant.

It claims that Maggiano's is violating Massachusetts' tips and minimum wage laws. The latter requires the state's full \$8-an-hour minimum wage to be paid to waiters - instead of the \$2.63 minimum service wage - if a portion of gratuities is withheld.

"We're trying to challenge that on a national basis, because large employers have been getting away with that for years," Liss-Riordan said. "It's a convenient trick that the food and beverage industry has used to boost its profits at the expense of the wait staffs."

The case against Hard Rock, filed in its home state of Florida, challenges its gratuities policy and the way in which wait staff must "tip out" back-of-the-house workers known as expeditors.

The lawsuit claims that Hard Rock charges mandatory gratuities or service charges for private dining events - usually 18 percent to 20 percent - and keeps the money. The suit claims waiters should be paid the full federal minimum wage since they don't get all the tips.

The lawsuit was filed on behalf of Jason Heath of Connecticut, who worked as a Hard Rock waiter at Foxwoods Resort Casino from 2004 to November 2007, and an Oakland, Calif., waiter at the Hard Rock in San Francisco.

Brinker declined comment.

Hard Rock Cafe International Inc., which operates some 45 U.S. restaurants, including one on Clinton Street in Boston, could not be reached for comment.