

## **Logan skycaps win fight for tips**

American Airlines pocketed \$2 fees for service at curb

By Jonathan Saltzman  
Globe Staff / April 8, 2008

A federal jury yesterday ordered American Airlines to pay nine skycaps at Logan International Airport a total of more than \$325,000 for tips they lost when the airline began charging passengers \$2 a bag for curbside check-in service in late 2005.

In what is believed to be the first legal challenge of baggage fees imposed by several airlines in recent years, the jury in US District Court in Boston found that American Airlines violated the state's tips law by keeping the \$2 fees. The jury also found that the airline had made it harder for skycaps to earn a living.

"We're very pleased that the jury saw what American Airlines is doing here, which is digging into the pockets of some of its lowest-paid workers to boost its own profits," said Shannon Liss-Riordan, who represented the skycaps, several of whom hugged one another and brushed away tears after the verdict.

Since the fee went into effect in September 2005, skycaps testified, daily tips have plunged because many customers mistakenly thought the workers keep the \$2 fee charged for handling bags at the curb and were reluctant to tip on top of it. One of the skycaps testified that his daily tips fell from about \$200 to about \$70 or \$80.

After deliberating about nine hours over two days, the jury ordered the airline to turn over to the skycaps all the fees for the baggage they had handled since September 2005.

"This is really the right thing to do," said Don DiFiore, an American Airlines skycap since 1983, who will receive \$41,886 in fees for 20,943 bags he handled over the past 2 1/2 years. "The skycaps work for tips, and these guys came directly at our tips."

Tim Wagner, an American Airlines spokesman, said in a brief statement that the carrier was disappointed in the verdict and was deciding whether to appeal.

In court papers, the airline said it imposed the fee at Logan and other airports after losing \$821 million in business in 2004. The airline contended that declining air travel after the Sept. 11, 2001, terrorist attacks, and reductions in service, not the fee, may have caused tips to fall.

But the lawyers for the skycaps presented evidence showing that top executives at American Airlines earned multi-million-dollar bonuses after the program began.

Most of the skycaps work for an American Airlines subcontractor, G2 Secure Staff of Irving, Texas. They earn \$5.15 an hour, far below the state's \$8-an-hour minimum wage. Like waiters, skycaps can legally be paid less than minimum wage because they rely on tips.

The nine skycaps will receive amounts ranging from \$3,066 to \$64,138; several will receive relatively small amounts because they were fired shortly after the fee was imposed, said Liss-Riordan.

Tony Pasuy, a skycap who will receive \$58,770, said he was elated even though he and other skycaps could face legal problems as a result of their testimony. They acknowledged failing to report their tips to the IRS in recent years, dramatically reducing what they had to pay in taxes. American Airlines used those admissions to attack skycaps' credibility.

"We were intimidated somewhat," Pasuy said of the airlines' legal strategy. "But we knew we had the battle. They were the underdogs in my opinion."

A 10th skycap who works for American Airlines at Lambert-St. Louis International Airport in Missouri was not awarded any money because that state lacks a law comparable to the Massachusetts statute that protects the gratuities received by service workers. The case was decided largely on state law, but the federal court heard the claims because they involved workers from two states.

Before the trial, US District Judge William G. Young declined Liss-Riordan's request to certify the suit as a class action on behalf of all of the approximately 20 to 30 American Airlines skycaps at Logan. Liss-Riordan said she may ask the judge to reconsider that decision or appeal to the US Court of Appeals for the First Circuit.

She said she is also working with lawyers to prepare a similar class-action lawsuit on behalf of US Airways skycaps across the country.