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Workers sue over tips

Convention Center a defendant

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When meetings and receptions rent out Rochester Riverside Convention Center space for a banquet, a mandatory service charge is regularly part of the bill.

Now a group of banquet service workers is suing, claiming the charge is apparently treated like a tip by the facility's management, but no share of that tip ever ends up in those workers' pockets.

The suit, filed in August in Monroe County Supreme Court by Rochester firm Thomas & Solomon LLP, was on behalf of four permanent and temporary convention center workers, but seeks class action status as it claims the number of workers affected by this could number more than 40.

New York law allows

for banquets and special events to charge such service fees, but that customers have to be made aware that the charge isn't a gratuity or tip. The lawsuit alleges that Rochester Convention Center Management Corp. tacks on a mandatory service charge to banquet customers' bills, though it "failed to ensure that a reasonable customer would understand that the charge was not purported to be a gratuity" and that the money wouldn't be divvied up among the people actually working at the banquet.

The suit also raises the question of whether that automatic charge on customers' bills then should be considered a gratuity and thus whether the convention center management was illegally keeping workers' tips. And it claims the convention center management vio-

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lated state labor law by not reimbursing workers for the cost of their mandatory banquet uniforms and by not providing laundry service for those uniforms. It seeks unspecified unpaid wages and reimbursements, as well as damages.

Also named as a defendant in the lawsuit is Rochester temp agency 4-F's and its president, Gary Frizzell, which allegedly placed a number of workers at the convention center.

Convention Center Manager James Brown said he could not comment on the lawsuit. Frizzell could not be reached for comment Tuesday.

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