



## Security Time is not Compensable Time

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In *Integrity Staffing Solutions, Inc. v. Busk*, the United States Supreme Court addressed whether an employee is working when undergoing a security screening because he or she is required to do so by the employer. In a unanimous (and pro-employer) decision, the Supreme Court held that the time spent by warehouse workers waiting to undergo and undergoing security screenings before leaving for the day is not compensable under the Fair Labor Standards Act.

At the end of each shift the employees were required to undergo a security screening before leaving the warehouses. The employees claimed that they were entitled to overtime as a result of the time (approximately 25 minutes per day) spent waiting for and undergoing the screenings. The employees claimed that the time devoted to the screening was for the benefit of the employer or its customer, and therefore should have counted as part of their compensable workweeks.

The Supreme Court disagreed and held that the time spent for the screening was not compensable time because it was not an activity integral and indispensable to the job's principal activity – retrieving and packaging goods in the warehouse. The fact that the screening was for the benefit of the employer was insufficient to call an activity integral or indispensable.

Notwithstanding the Supreme Court's elaboration of the definition of what is compensable activity, some pre-and post-shift activity will still remain compensable if integral and indispensable to the job such as donning and doffing certain protective gear for job performance. Moreover, California employers need to remember that California state labor laws also look to employer control to determine whether an activity is compensable.

Stay tuned as California courts address this decision.