

The U.S. Supreme Court Holds Warehouse Workers Not Entitled to Overtime for Security Screens

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In *Integrity Staffing Solutions, Inc. v. Busk*, 574 U.S. ____ (December 9, 2014), Jesse Busk and Laurie Castro were former employees of Integrity Staffing Solutions, Inc. (Integrity), a company that provides warehouse space and staffing to clients such as Amazon.com. Busk and Laurie both worked in warehouses in Nevada filling orders placed by Amazon.com customers. At the end of each day, all the workers were required to pass through a security clearance checkpoint where they had to remove their keys, wallets, and belts, pass through a metal detector, and submit to being searched. The whole process could take up to 25 minutes. Similarly, up to ten minutes of the workers' 30-minute lunch period was consumed by security clearance and transition time.

In 2010, Busk and Castro sued Integrity and argued that these practices violated the Fair Labor Standards Act (FLSA) as well as Nevada state labor laws. The employees claimed they should be paid for the time spent waiting to complete these mandatory security screenings because the screenings were for the exclusive benefit of the company. The employees also claimed that the company could have taken steps to decrease this waiting time by adding more security screeners or by staggering when shifts ended so that employees could pass through the checkpoints more quickly. Yet, the company failed to take such measures.

In a unanimous decision, the Supreme Court found that the company was not required to pay employees for this waiting time. The Supreme Court held that the workers couldn't show the security screens were "integral and indispensable" to their principal work activities, the standard the court previously set under the FLSA. The Court provided "an activity is not integral and indispensable to an employee's principal activities unless it is an intrinsic element of those activities and one with which the employee cannot dispense if he is to perform those activities." The screenings were not an intrinsic element of retrieving products from warehouse shelves or packaging them for shipment. And Integrity Staffing could have eliminated the screenings altogether without impairing the employees' ability to complete their work.

As such, the court held that the employees' time spent waiting to undergo antitheft security screenings is not compensable under the Fair Labor Standards Act of 1938, as amended by the Portal-to-Portal Act of 1947, because such screenings are not the "principal activity or activities which [the] employee is employed to perform" nor are they "integral and indispensable" to the employees' duties.

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