HR Weekly Podcast
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Today is January 7, 2015, and welcome to the HR weekly podcast from the State Human Resources Division. Today's topic discusses a recent Fair Labor Standards Act, or FLSA, case involving post-work security screenings.

In December of 2014, the United States Supreme Court addressed the FLSA. Specifically, in Integrity Staffing Solutions, Inc. v. Busk, the Court found that the time spent by employees waiting for and undergoing security screenings before leaving the workplace was not compensable under the FLSA.

By way of background, Integrity Staffing required its hourly workers, who retrieved products from warehouse shelves and packaged them for delivery to Amazon.com customers, to undergo a security screening before leaving the warehouse each day in order to combat employee theft. During the screening, employees removed wallets, keys, and belts and passed through metal detectors.

Former employees sued, alleging they were entitled to compensation under the FLSA for the roughly 25 minutes each day they spent waiting to undergo and undergoing the screenings. The employees also claimed the company could have reduced that time to a *de minimis* amount by adding screeners or staggering shifts.

In ruling that the screenings were non-compensable postliminary activities, the Court found that the screenings were not the "principal activity or activities" the employees were employed to perform because Integrity Staffing employed its employees to retrieve products from the warehouse and package for shipment, not to undergo security screenings. The Court also held the screenings were not "integral and indispensable" to the employees' duties as warehouse workers because the screenings were not an intrinsic element of retrieving and packaging products. The Court also rejected the employees' argument that the time spent waiting was compensable because Integrity Staffing could have reduced that time, finding that it did not change the nature of the activities an employee is employed to perform, and it was not a proper matter for a court in an FLSA claim.

In its ruling, the Supreme Court also noted several examples of other types of activities that may or may not satisfy the "principal activities" and the "integral and indispensable" criteria. Thank you.