

Supreme Court Decides No Pay Owed for Amazon Warehouse Security Checks

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On December 9, 2014, the U.S. Supreme Court unanimously held in *Integrity Staffing Solutions, Inc. v. Busk*, that Amazon warehouse employees were not entitled to pay for the time spent waiting to go through security checks at the end of their shifts. The plaintiffs, a group of employees who were employed by a temporary staffing company and worked at Amazon.com warehouses, sued their employer under the Fair Labor Standards Act (“FLSA”), alleging that they had not been paid for all time worked. Specifically, the employees claimed that they spent roughly 25 minutes a day waiting for and then undergoing security screenings after the end of their shifts and after they had clocked out. However, the Supreme Court concluded that the time was not compensable, relying on the Portal-to-Portal Act, an amendment to the FLSA. Under the Portal-to-Portal Act, employers are required to pay employees only for those pre- and post-shift activities which are “integral and indispensable” to an employee’s principal activities.

The employees argued that the time should be compensable because the security screenings were required by their employer and were related to their work. They retrieved merchandise to fill customer orders, and the security screenings were designed to discourage theft. The Supreme Court disagreed, finding that the plaintiffs’ argument was inconsistent with the purposes of the Portal-to-Portal Act. According to the Court, “integral and indispensable” activities are those acts necessary to an employee’s primary duties that if dispensed with, the employee would not be able to adequately perform his job. While the employer required security screenings to prevent theft of merchandise, the Court found that the employer could end this practice without impacting the employees’ primary duties of pulling merchandise from shelves and preparing deliveries. Thus, the Court concluded that employees were not entitled to pay for the screening time.

This case was closely watched by employers across the country, particularly those with warehouse operations. The decision makes clear that certain post-shift activities, such as security screenings, are not automatically compensable if they are mandated by the employer. Note however, that the decision only applies to claims under the FLSA; state wage and hour laws may require employees to be paid for such time.

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