

13-433 INTEGRITY STAFFING SOLUTIONS V. BUSK

DECISION BELOW: 713 F.3d 525

LOWER COURT CASE NUMBER: 11-16892

QUESTION PRESENTED:

Respondents are warehouse workers who seek back pay, overtime, and double damages under the Fair Labor Standards Act ("FLSA") for time spent in security screenings after the end of their work shifts. Relying on an unbroken line of authority from other jurisdictions, the district court dismissed Respondents' claims because security screenings are quintessential "preliminary" or "postliminary" activities that are non-compensable under the FLSA pursuant to the Portal-to-Portal Act of 1947. The Ninth Circuit reversed, holding that time spent in security screenings was compensable under the FLSA because it was "necessary to [Respondents'] primary work as warehouse employees." That holding squarely conflicts with decisions from the Second and Eleventh Circuits holding that time spent in security screenings is not subject to the FLSA because it is not "integral and indispensable" to employees' principal job activities.

The question presented is whether time spent in security screenings is compensable under the FLSA, as amended by the Portal-to-Portal Act.

CERT. GRANTED 3/3/2014