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WHAT 'BUSK' MEANS FOR CALIFORNIA BAG-CHECK CASES

News
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Jason Geller was quoted on *The Recorder* on December 11, 2014. The article "What *'Busk'* Means for California Bag-Check Cases" discussed the unanimous decision, held in *Integrity Staffing Solutions v. Busk* that employers do not have to pay workers for time spent waiting in line for postshift security checks.

Jason was interviewed by *The Recorder* regarding the potential impact of *Busk*.

Q: What is the most important takeaway from the Busk *ruling?*

Jason: The reaffirmation and clear definition of activities covered by the Portal to Portal Act—that is the definition of an integral and indispensable activity as one duty an employee cannot dispense with if he is to perform his principal activities.

Q: What, if anything, surprised you about the decision?

Jason: There is nothing particularly surprising about the decision, which makes a point of following previous court precedent as well as [Department of Labor] guidance, even referencing a 1951 opinion letter which found noncompensable a postshift employee security check.

Q: How might this decision impact other wage and hour cases, particularly Frlekin v. Apple?

Jason: This decision may make more difficult future actions against employers who choose to conduct postshift security inspections. The court clearly reaffirmed the concept and

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definition of noncompensable postliminary activities, which should help employers defend other off-the-clock cases under the [Fair Labor Standards Act].

Q: What is the broader significance of the Busk *decision?*

Jason: It certainly eliminates a great deal of potential confusion regarding the integral and indispensable aspect of duties. It will be useful to employers and will likely not spawn new lawsuits against employers as would the overturned interpretation espoused by the 9th Circuit.

To read the full interview, please visit *The Recorder*. [subscription required]