



3rd Circuit: Meal Breaks For Employees' "Predominant Benefit" Are Not Worktime

Insights

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The 3rd Circuit U.S. Court of Appeals (with jurisdiction over Delaware, New Jersey, and Pennsylvania) has ruled in *Babcock v. Butler County* that employees who receive the "predominant benefit" of a meal break are not entitled to have the break treated as worktime under the federal Fair Labor Standards Act. In doing so, the 3rd Circuit joined every other federal court of appeals that has directly considered the issue.

Factual Background: Who Benefits?

Butler County Prison Corrections Officer Sandra Babcock filed a proposed collective action on her own behalf and for similarly-situated prison employees, a number of whom later joined the lawsuit. Under the collective bargaining agreement (CBA) governing the relationship between corrections officers and the County, officers worked eight and one-quarter hour shifts that included a one-hour meal period, of which a 45-minute portion was considered "paid" and the remaining 15-minute period of which was deemed "unpaid".

The officers sought compensation for the full hour, pointing out that they had certain obligations during the entire meal period. For example, corrections officers could not leave the prison without permission, were required to remain in uniform, had to stay in close proximity to emergency response equipment, and remained on call to respond to emergencies.

Both parties agreed that the outcome would hinge upon an application of a "predominant benefit" test, that is, "whether the officer is primarily engaged in work-related duties during meal periods." If so, the employer gains the predominant benefit of the meal break, and the time is considered to be FLSA "hours worked". But if the primary beneficiary is the employee, the court said, then the meal period need not be counted as worktime.

Third Circuit Gives Victory To Employer

The lower federal court dismissed the lawsuit, ruling that the officers stated no valid claim for relief. In affirming that decision, the 3rd Circuit said that the key question had to be answered in light of the "totality of the circumstances" and is a "fact-intensive inquiry." The court pointed to three facts that, taken together, appear to have been decisive in the ruling:

- First, corrections officers could request authorization to leave the prison for the meal period.

- Second, the officers could eat lunch away from their desks.
- Third, the court seemed to give special weight to the CBA, which, although "silent on the compensability of the fifteen-minute period," provided corrections officers with "the benefit of a partially-compensated mealtime and mandatory overtime pay if the mealtime is interrupted by work." The FLSA, the court said, "requires no more."

The Bottom Line

While *Babcock* is good news for employers, it does not generally transform the legal landscape where meal periods are concerned. For one thing, the case is binding only within the 3rd Circuit's jurisdiction. Moreover, one of the three judges who heard the case dissented from the ruling in strong terms, and his dissent could play a role in how the case is ultimately viewed.

Furthermore, the situation considered in the case was somewhat unique, and the status of meal periods under the FLSA is a highly fact-specific matter. Finally, *Babcock* has nothing to say about how similar facts will be viewed under the requirements of another jurisdiction, such as, for instance, in a state that mandates meal periods.

Employers who treat their employees' meal periods as not being worktime should be sure that it is lawful to do so under their own, specific circumstances and under all applicable laws. Generally speaking, the prospects that a meal period will be viewed as being for an employee's predominant benefit are greatest when an employee has maximum freedom to use the breaktime as he or she sees fit.

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