



Pre-Departure Security Screening Not FLSA Worktime

Insights

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The U.S. Supreme Court ruled today that the time non-exempt employees spent in connection with an end-of-workday security screening before leaving the premises did not count as worktime under the federal Fair Labor Standards Act. Instead, it said, the time so spent was non-compensable "postliminary" activity under the federal Portal-to-Portal Act.

Among other things, the Court said that:

- The screenings were not themselves "principal activities" that the employees were employed to perform;
- The screenings neither were an integral part of nor were indispensable to the employees' principal activities;
- Whether the employer required these activities or realized a benefit from them were not the relevant questions; and
- Whether the employer could have arranged things so that the screenings took less time had nothing to do with the fundamental nature of the screening activities.

Interestingly, the U.S. Department of Labor had argued in favor of the position the Court ultimately adopted.

For a full summary of today's ruling, read our [Labor Alert](#).