On the U.S. Supreme Court’s Decision
Denying Pay to Workers for Security Screenings

Statement of Catherine Ruckelshaus, General Counsel, National Employment Law Project

“The U.S. Supreme Court erred in reversing the Ninth Circuit’s ruling that workers should be paid for their time spent waiting to go through security checks at the end of their shifts.

“If the employer requires it, the work should be paid. That’s the common-sense principle that should have carried the day but was violated here. Amazon hired its warehouse workers via a temp firm, Integrity Staffing Solutions, and required the firm to conduct these anti-theft screenings. Workers were required to wait 25 minutes or longer every day—more than two hours every week—just to leave work. The workers’ time was taken but not paid for. This grossly unfair outcome wreaks havoc especially for workers who end up being late to their next job or late to pick up their children.

“This decision ignores another common-sense principle: If we don’t have to pay for things, we take them for granted. Because the employer didn’t have to pay for the workers’ time, it didn’t care how long the screenings took, and had no incentive to add capacity to speed things up and be more considerate of the employees’ time. This decision creates a perverse incentive for employers to require workers to perform more “non-principal” activities that will not be compensated.

“Justice Clarence Thomas, who wrote the opinion, comments that the workers should raise the issue at the bargaining table. His comment ignores the fact that there is no bargaining table. There is no union representing these workers.”

The National Employment Law Project is a non-partisan, not-for-profit organization that conducts research and advocates on issues affecting low-wage and unemployed workers. For more about NELP, visit www.nelp.org.

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