



Court Rules That Police Officers Transporting, Loading, And Storing Equipment Is Not Compensable “Work”

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Last week, a federal judge in Chicago rejected the class action claims of Chicago Police Department (CPD) SWAT officers who sued the City for overtime pay for transporting, loading/unloading, and storing equipment that they took home, such as rifles, bullet proof vests, helmets, night vision goggles, and radios. According to the SWAT officers, these activities were compensable work because transporting and storing the equipment in their homes allegedly allowed them to more quickly respond to emergency calls directly from home rather than first going to the assigned police facility where the weapons and equipment could be stored.

The Court disagreed with the SWAT officers. Under federal and Illinois law, employees are entitled to compensation for activities that are “integral and indispensable” to their principal work duties. The Court found that the SWAT officers’ principal activities were responding to emergency incidents and, therefore, the SWAT officer’s off-duty normal commute to and from home and work during which they transported their SWAT gear and then carried certain SWAT gear to and from their vehicles and their residences, did not constitute activities that were “integral and indispensable” to those principle duties. The SWAT officers conceded that when they were called out for emergency critical incidents while off duty, they were paid from the moment that they received the call until they returned home after completing the assignment.

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This case highlights the fact that not all tasks performed by employees are compensable and employers are not required to compensate employees for activities that are “two-steps removed” from the employee’s principal duties. However, employers should exercise caution by obtaining legal advice before determining what activities are not compensable because what constitutes “work” is case specific.

Laner Muchin attorneys, Jennifer Naber, Matthew Kellam, and Priya Reddy, represented the City of Chicago in this case.