

Stay Tuned: Apple and California District Court Await U.S. Supreme Court “In the Line of Work” Ruling

Labor & Employment Law Update

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On July 29, 2013, former Apple employees filed a class action lawsuit claiming that Apple required them to stand in line for up to 30 minutes per workday for a manager to search their bags when they left the premises for lunch or at the end of the workday. The lawsuit allegedly deprived the workers of approximately \$1,500 per year in unpaid wages. The FLSA class action case was filed in San Francisco federal district court.

On May 29, 2014, the United States district court for the northern district of California denied Apple's motion for summary judgment, but stayed all proceedings pending the outcome of *Busk v. Integrity Staffing Solutions, Inc.* The United States Supreme Court granted certiorari in the *Busk* case on March 3, 2014. The court's May 29th ruling stayed actions in the federal court cases, but allowed discovery to proceed in the currently pending state court actions filed in California.

Based upon the many media reports on this recent decision, both the plaintiffs' attorneys and Apple seem to have claimed victory by the court's denial of the motion for summary judgment. Clearly the U.S. district court believes the Supreme Court decision in *Busk* will resolve many of the issues raised by the plaintiffs in the lawsuit against Apple. The question of what constitutes “work” is the issue.

Bottom Line: Internal security “inspections” of employee possessions can still be problematic.