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Labor Decision in Security Guard Case May Set New Precedence

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Written by City News Service



Employees required to stay at a worksite while on call should be compensated for all their hours, including sleep time, the California Supreme Court has ruled in a case involving a company based in Gardena. The state's highest court said Thursday that security guards who were obligated to stay in trailers on worksites in case they were needed were entitled to be paid for their time, even if they spent it watching TV, scouring the Internet or dozing. (file photo)

Employees required to stay at a worksite while on call should be compensated for all their hours, including sleep time, the California Supreme Court has ruled in a case involving a company based in Gardena. The state's highest court said Thursday that security guards who were obligated to stay in trailers on worksites in case they were needed were entitled to be paid for their time, even if they spent it watching TV, scouring the Internet or dozing, the Los Angeles Times reported. Lawyers said the decision has potential to have a wide impact, depending on the particular requirements an employer placed on workers while they were on call.

The greater the control a private employer exerted on on-call workers, the more likely that employer would be obligated to pay for all employees' hours, according to The Times. Golden Gate University law professor Hina B. Shah, who sided with employees in the case, representing nonprofit groups as friends of the court, told the newspaper that the ruling was a "a tremendous victory for California workers."

"This decision will ensure that absent an explicit exemption, on-call workers in any industry are entitled to payment for all of their time," said Shah, adding that the ruling would particularly affect domestic workers who live in homes while attending to children or the elderly.

Hospital and government workers would not be affected, she said. Jim Newman, general counsel for CPS Security Solutions Inc., the defendant in the case, agreed the impact would be "huge."

"The unintended consequences of this ruling are likely to be devastating for the state's economy, only now beginning to recover from the recent recession," Newman told the newspaper.

The ruling stemmed from class-action lawsuits filed by security guards employed by the Gardena-based firm, which has 1,500 employees. The company paid guards for the hours they patrolled a worksite but gave them no compensation for on-call time in company trailers unless they had to respond to an alarm or emergency or had asked to leave the premises for personal business and been denied a replacement, the court said.

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