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## Sixth Circuit Holds That Casino Security Guards' Meal Breaks Are Not Compensable under the Fair Labor Standards Act

Security guards at MotorCity Casino in Detroit brought suit claiming that their employer required them to work 41.25 hours per week but only paid them for 40 hours of work, in violation of the FLSA's overtime provision. In calculating their weekly hours worked, the security guards counted their half-hour meal breaks, during which they were required to monitor their two-way radios and respond to emergencies. The district court found that no FLSA violation had occurred because the meal breaks were non-compensable time. In an opinion issued on January 7, 2015, the Sixth Circuit affirmed.

The court recited the long-standing rule that time spent predominantly for an employee's own benefit is not compensable under the FLSA. In line with other courts, the Sixth Circuit was persuaded that "monitoring a radio is generally a peripheral activity that an employee can perform while spending her meal breaks however she likes." In this case, the evidence showed that the security guards spent their meal breaks eating, reading, socializing, and conducting personal business on their phones. Interruptions for emergencies almost never happened. Further, the court reasoned that a requirement to remain on premises, standing alone, does not convert a meal break into working time. The question is whether the requirement is "an indirect or round-about way of extracting unpaid work from the employee." Here, the evidence showed that the security guards "spent their meal periods doing exactly what one might expect an off-duty employee to be doing on a meal break." Considering all the circumstances, the Court concluded that no reasonable jury could find that the security guards' meal breaks predominantly benefitted MotorCity.

The opinion is *Ruffin, et al. v. MotorCity Casino*, No. 14-1444 (6th Cir. January 7, 2015).