



California Supreme Court Holds That Time Spent Waiting by Apple Retail Employees for Exit Searches Is Compensable Under California Law

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On February 13, 2020, the California Supreme Court decided an important employment case. That case, *Frlekin v. Apple, Inc.* held that "[Wage Order 7] requires employers to pay their employees a minimum wage for all hours worked... "Hours worked" is defined as "the time during which an employee is subject to the control of an employer, and includes all the time the employee is suffered or permitted to work, whether or not required to do so." The California Supreme Court concluded that time spent on the employer's premises waiting for, and undergoing, a required exit search of any and all packages, bags or personal technology devices is compensable time under Wage Order 7.

Additionally, the court, in its unanimous opinion, concluded the decision was retroactive in impact. This means that the employer, Apple Inc., is responsible for paying each and every employee, at every retail store in California, the compensation due the employee for the time each and every employee spent while they went through the mandatory/required exit search before leaving the store after his or her time at work was completed. What this will amount to, in terms of dollars, is unknown. However, the underlying issue probably has impact upon many retail or warehouse type employers who may have similar policies trying to prevent employee theft or other forms of employee malfeasance.

It will be fascinating to see the ramifications of this decision in California and whether its logic is accepted by courts in other states.

To read more about this case, [click here](#).



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