

# Security guards must be compensated for on-call hours spent at worksites under the employer's control

January 8, 2015

*Mendiola v. CPS Security Solutions, Inc.*  
(January 8, 2015, S212704) \_\_ Cal.4th \_\_

Wage and hour claims in California are governed both by Labor Code provisions and a series of 18 wage orders. One of these orders – Wage Order 4 – governs those employed in professional, technical, clerical, mechanical, and similar occupations.

Wage Order 4 requires employers to compensate non-exempt employees for all hours worked. The California Supreme Court has now held that Wage Order 4 requires those employing security guards to compensate the guards for all on-call hours spent at assigned worksites under the employer's control because these on-call hours constitute compensable hours worked. The court also held that, under Wage Order 4, employers cannot exclude "sleep time" from the compensable hours worked by the guards in 24-hour shifts.

## More Information

For more information about this case, contact Felix Shafir (818.995.0800).