

State Supreme Court Clarifies Worker Break Rules

LITIGATION: After 11 years, Roxborough Pomerance team obtains a decision.

Workers in California must have uninterrupted rest breaks and be relieved of all duties during that time, the California Supreme Court ruled in a 5-2 decision last month.

The state's high court reinstated an \$89.7 million judgment in a class action lawsuit brought by Woodland Hills employment firm

Roxborough Pomerance Nye & Adreani.

In *Augustus v. ABM Security Services*, the plaintiffs, who consisted of former ABM security guard **Jennifer Augustus** and a certified class of approximately 15,000 guards, sued ABM for violating state wage and hour laws by requiring employees to be on call during their mandated rest



LAW

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breaks. The workers had to carry and monitor communication radios to respond to emergency situations and other occurrences, and therefore were still working while on break.

"For employers, this case means that they have a very clear-cut, easy-to-follow rule in terms of what their obligations are to employees during rest breaks," said **Michael Adreani**, partner at Roxborough Pomerance and one of the lead attorneys on the case. "Employers now know employees are to be relieved of all duties while on rest breaks."

The decision originates from the firm's trial

court win in 2012, which was reversed by the appellate court in 2014. The second court determined that it was within the law for workers to perform some of their regular duties while on break, but the Supreme Court disagreed.

"We faced an opponent who was so well financed and had unlimited resources who fought us vigorously," said Partner **Drew Pomerance**, who was the other lead attorney.

He added that the legal battle lasted 11 years and that when you lose a case in the court of appeal, it typically halts there. Pomerance said it's rare for the California Supreme Court to grant review of a case, but he is grateful the justices took on this one.

"In the long run, I believe this (decision) will reduce lawsuits over rest breaks," Pomerance said. "There is a very clear standard, and that's good for business."

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