



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



**Clinton Rogers, et al., v. State of Arizona,
Case no. CV-21-0077-PR**

PARTIES:

Petitioner: The State of Arizona

Respondents: Clinton Roberts, et al. (the “Officers”)

FACTS:

The Officers work for the Arizona Department of Corrections, Rehabilitation and Reentry (“ADCRR”), an Arizona state agency. Before they begin a shift, they are required to undergo an “extensive security screening” that adds an average of thirty minutes to each eight-hour workday. The Officers allege A.R.S. § 23-392 requires the State to pay them overtime for the mandatory screening time, and they filed a complaint and amended complaint seeking treble damages under A.R.S. § 23-355.

The State moved to dismiss the complaint, arguing that claims for overtime pay must be brought under the Fair Labor Standards Act (“FLSA”), which the State contended preempts the state law claims. Alternatively, the State argued that the Arizona statute must be interpreted consistently with the FLSA, as amended by the Portal Act, 29 U.S.C. §§ 251-262, under which the screenings are not compensable. The Officers countered that their state law claim was not preempted because they cannot bring an FLSA claim against the State due to sovereign immunity. The Officers also argued that Arizona has not adopted the Portal Act, and, under Arizona’s expansive definition of “work,” the time spent in mandatory security screenings is compensable.

The superior court granted the motion to dismiss, finding that, although federal law did not preempt the Officers’ claim, Arizona had implicitly adopted the Portal Act. The court concluded, based on the Portal Act, the applicable regulations, and the Supreme Court decision in *Integrity Staffing Solutions, Inc. v. Busk*, 574 U.S. 27 (2014), that the time the Officers spend in security screenings is not compensable. The Officers filed a timely notice of appeal.

The Court of Appeals reversed, finding that the security screening process is integral and indispensable to the Officers’ principal, compensable activities of maintaining safe and secure prisons; therefore, the screenings constitute the start of the Officers’ workday. The State filed a Petition for Review in this Court.

ISSUE:

Whether, under federal law as incorporated in Arizona, correctional officers must be compensated for time spent in pre-shift security screenings?

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