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SUPREME COURT
OF THE
STATE OF CONNECTICUT

SC 21109

JAVIER DEL RIO et al. Plaintiffs

V.

AMAZON.COM SERVICES, INC., et al. Defendants

BRIEF OF AMICI CURIAE THE NATIONAL RETAIL FEDERATION, THE CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA, THE NATIONAL ASSOCIATION OF MANUFACTURERS, THE NATIONAL FEDERATION OF INDEPENDENT BUSINESS, INC. AND THE CONNECTICUT BUSINESS & INDUSTRY ASSOCIATION IN SUPPORT OF DEFENDANTS, AMAZON.COM SERVICES, INC.[1]

FOR AMICI CURIAE

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STATEMENT OF ISSUES

(1) Whether under Connecticut's wage laws and regulations, employees must be compensated for the time spent going through mandatory security screenings at their place of employment; and

(2) Whether a *de minimis* exception applies, and if so, what factors should be considered in determining whether the uncompensated time is *de minimis*.

INTRODUCTION

Amici curiae The National Retail Federation ("NRF"), The Chamber of Commerce of the United States of America ("U.S. Chamber"), The National Association of Manufacturers ("NAM"), The National Federation of Independent Business, Inc. ("NFIB"), and The Connecticut Business & Industry Association ("CBIA") (together, "Amici") submit this brief to assist the Court in understanding the potential impact a ruling in Plaintiffs' favor will have on all Connecticut employers.

STATEMENT OF INTEREST OF AMICI CURAE

NRF is the world's largest retail trade association, representing discount and department stores, home goods and specialty stores, Main Street merchants, grocers, wholesalers, chain restaurants, and Internet retailers from the United States and more than 45 countries. Retail is the nation's largest private sector employer, supporting one in four U.S. jobs—or 55 million working Americans.[2] Contributing $5.3 trillion to annual GDP, retail is a daily barometer for the nation's economy.[3] NRF and the employers it represents therefore have a compelling interest in the question certified to this Court for decision. As the industry umbrella group, NRF periodically submits amicus curiae briefs in cases raising significant legal issues, including employment law issues, which are important to the retail industry at large, and particularly to NRF's members.

The U.S. Chamber is the world's largest business federation. It represents approximately 300,000 direct members and indirectly represents the interests of more than 3 million companies and professional organizations of every size, in every industry sector, and from every region of the country. An important

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[2] Retails Impact | NRF (*last visited* July 14, 2025).

[3] *Id.*

function of the U.S. Chamber is to represent the interests of its members in matters before Congress, the Executive Branch, and the courts. To that end, the U.S. Chamber regularly files amicus curiae briefs in cases, like this one, that raise issues of concern to the nation's business community.[4]

The NAM is the largest manufacturing association in the United States, representing 14,000 manufacturers of all sizes, in every industrial sector and in all 50 states. Manufacturing employs nearly 13 million people across the country, contributing $2.93 trillion annually to the U.S. economy.[5] The NAM is the voice of the manufacturing community and the leading advocate for a policy agenda that helps manufacturers compete in the global economy and create jobs across the United States.[6]

NFIB is the nation's leading small business association, representing hundreds of thousands of small and independent businesses nationwide, ranging from sole proprietorships to firms with hundreds of employees, and spanning all industries and sectors. NFIB represents, in Washington, D.C., and all 50 state capitals, the interests of its members. NFIB's mission is to promote and protect the right of its members to own, operate, and grow their businesses. As part of this mission, NFIB ensures that judges are aware of the far-reaching consequences of their decisions that affect the small business community.[7]

CBIA is the leading voice for Connecticut business and the state's largest business organization, representing thousands of member companies of all sizes across multiple industries statewide. Its mission is to make Connecticut a top state

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[4] About the U.S. Chamber of Commerce | U.S. Chamber of Commerce (*last visited* July 14, 2025).

[5] *See* Press Releases Archives - NAM (*last visited* July 25, 2025).

[6] About the NAM - NAM (*last visited* July 14, 2025).

[7] About NFIB - NFIB (*last visited* July 14, 2025).

for business, jobs, and economic growth by driving change, shaping legislative and regulatory policy, and promoting collaboration between the private and public sectors. CBIA advocates for policies that foster business growth, economic development, and job creation, while supporting innovators, entrepreneurs, and business leaders. The organization brings business executives and legislators together and provides members with essential resources and information to address critical business challenges, including workforce development, organizational growth strategies, and competitive positioning in a rapidly evolving global economy.[8]

Amici have a substantial interest in the outcome of this case to ensure their members are subject to workplace laws and regulations that are both fair and practicable. The compensability of brief, voluntary security screenings should be rejected because such screenings are non-compensable activities; they are not the principal activities for which employees are employed in the case at bar, but rather ancillary procedures that are neither integral nor indispensable to the employees' primary duties of retrieving products from warehouse shelves and packaging them for shipment. Furthermore, the *de minimis* doctrine, which allows employers flexibility to overlook insubstantial or insignificant periods of time beyond scheduled working hours which are not regular or easy to record, is a critical component of the framework provided for by Connecticut's Wage Laws[9] and its regulations. It provides necessary allowances for businesses to operate

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[8] About Us » CBIA (*last visited* July 22, 2025).

[9] This brief refers to the Connecticut General Statute § 31-72; Connecticut General Statutes § 31-71b et seq.; Connecticut Agencies Regulation § 31-60-11; Connecticut General Statute § 31-68; Connecticut General Statutes § 31-76b(2)(A) et seq., collectively "Connecticut's Wage Laws."

efficiently without being burdened by the administrative complexities of tracking every nanosecond of employee activity.

Because many of Amici's members are employers in the U.S. and Connecticut, they have been and will continue to be the subject of class and collective action lawsuits, as well as those brought by individuals, involving claims that employees were not paid for time spent on an employer's premises undergoing brief post-shift security screening processes. Accordingly, Amici and their members have a strong interest in whether brief, voluntary security screenings are compensable and whether the seconds spent on these activities are found to be *de minimis* under Connecticut's Wage Laws.

Assisting with the development of a regulatory environment that is both clear and in conformance with the law is a central component of Amici's respective missions. To that end, Amici advocate for the interpretation of laws in a way that fosters a fair and equitable workplace for *all*—employees *and* employers. Accordingly, Amici respectfully request the opportunity to file the enclosed amici brief for the Court's consideration. This Amici brief is intended to provide the Court with practical ramifications of the question certified for review and how the decision on that issue would impact a wide range of industries.

SUMMARY OF ARGUMENT

Time spent in brief, voluntary security screenings is non-compensable per established law and sound policy. There is no constitutional or statutory right for employees to bring personal items onto an employer's premises; rather, this is a discretionary benefit Amazon provides to accommodate its workforce. When employees choose to bring personal belongings, Amazon balances this courtesy with its security needs, implementing efficient and optional screening optional procedures that minimize delay.

Connecticut courts consistently interpret the state's wage laws harmoniously with the Fair Labor Standards Act ("FLSA") and the Portal-to-Portal Act ("PTPA"), ensuring stability and predictability for employees and employers. Under this framework and Second Circuit precedent, only activities integral and indispensable to an employee's principal duties should be compensable—thus, screenings required solely because an employee chooses to bring personal items to work should not qualify as compensable time. Expanding compensable time to include voluntary activities creates an unworkable standard, exposes employers to limitless liability, and undermines productivity and fairness. More to the point, dueling interpretations of state and federal law will lead to costly settlements and protracted litigation over potentially trivial claims, forcing businesses to divert substantial resources from investment and job creation to defending opportunistic lawsuits, thus disadvantaging Connecticut's employers.

Plaintiffs ask the Court to adopt an inflexible rule requiring *all* Connecticut employers—including thousands of small businesses—to track employee time down to the second (or split second), a practicably insurmountable task. For instance, must an employee be paid for the seconds it takes to unlock an employer's front door? To badge through a secured exterior door? To walk from the employer's entrance to the time clock? Would a timeclock that rounds to the nearest minute—or second—be a *prima facie* violative? These are work-adjacent

activities of fleeting duration and not readily trackable, and have long been non-compensable under federal law. To find that Connecticut law offers no leeway here would be a draconian result.

Connecticut's Wage Laws ensure that employees are paid for time in which they are "required" by the employer to be on premises or duty. The *de minimis* doctrine shields employers from liability for trivial amounts of time that cannot be reasonably recorded, which aligns with Connecticut Wage Laws that permit time rounding to the nearest fifteen minutes – because recording every second spent in the workplace is impractical.

Here, Amazon's employees voluntarily submit to a brief security screening if they bring personal property into its facilities, but can deposit their belongings in lockers outside the screening area if they choose. Amazon offers a buffet of expedited screening options, including an express lane with no screening for employees without personal property. It is inequitable to require Amazon to pay employees for brief, voluntary screening that takes only seconds (if that), especially where it is unclear when the security screening processes even starts or ends—is it in line, at the detector, or somewhere else?—and tracking it is impractical. This time is *de minimis*, not productive work.

Requiring all Connecticut employers—most of whom are small businesses—to adopt advanced time-tracking and security screening systems is unreasonable and unworkable. Without a *de minimis* exception, small businesses would struggle to comply with rigid rules and become targets for lawsuits over mere seconds, which is not the intent of Connecticut's Wage Laws.

ARGUMENT

I. EMPLOYEES NEED NOT BE COMPENSATED FOR UNDERGOING BRIEF, VOLUNTARY SECURITY SCREENINGS

a. There Is No Legal Obligation to Permit Employees to Bring Personal Items on an Employer's Premises, and Amazon Should Not Be Punished for Providing This Benefit to Employees

No legal authority mandates that employees be permitted to bring personal items into the workplace; thus, employers should not be penalized for providing that benefit. Indeed, states have rejected attempts by employees to force allowance of personal items in the workplace. *See Frlekin v. Apple Inc*., 8 Cal. 5th 1038, 1053 n.5 (2020) ("[an employer] may impose reasonable restrictions on the size, shape, or number of bags that its employees may bring to work, and that it may require employees to store their personal belongings in offsite locations"); *see also Anderson v. Pilgrim's Pride Corp*., 147 F. Supp. 2d 556, 561 (E.D. Tx. 2001) (employees voluntarily opting to don and doff dust masks was "not work" because it was not required by the employer), *aff'd*, 44 F. App'x 652 (5th Cir. 2002).

Nevertheless, Amazon allows employees to bring personal items onto its premises as a matter of accommodation. As a result, Amazon must ensure that its security interests are protected; thus, it implemented reasonable security screenings, that ensure time spent undergoing security screenings is functionally

nonexistent for employees who chose not to bring items into work.[10] Employees typically spent only seconds, and occasionally a few minutes, in screenings.[11] Lockers were also provided outside the screening area for personal belongings, and employees were encouraged to use them.[12]

Amazon's policy balances employee convenience (bringing personal items) with efficiency and security. Requiring payment for brief, voluntary screenings creates liability for an optional benefit that employees used with the knowledge that they would undergo a security screening as a result. Amazon (and other Connecticut employers) should not be forced to pay for a voluntary offering from which it derives no benefit. A ruling that concludes employers must pay for screening time would open the floodgates of frivolous litigation—harming employers through litigation, and employees, since employers will simply prohibit personal items at work. There is no reason to increase strain on judicial

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[10] *See* Defendant-Appellee Brief, pp. 16-17. The screening process varied based on what *employees brought* into the secured area. They could exit through one of three security options: Express Lanes, Divesting Tables, or X-Ray Machines. Those who brought nothing could use the Express Lane, passing through a metal detector without delay.

[11] *See* Defendant-Appellee Brief, p. 17. Plaintiff Delaroche agreed that the process was usually quick, with the express lane taking only seconds. Plaintiff Meunier acknowledged that employees using the slowest option, the X-Ray Machine, typically completed screening in about *ten seconds*. Meunier agreed that secondary screening generally took *less than a minute.*

[12] *See* Defendants' Local Rule 56(a)1 Statement of Undisputed Material Facts, ¶ 23.

resources, or to reduce employee privileges and employer flexibility over nominal trifles of seconds.

b. Applicable Law Demonstrates Brief, Voluntary Security Screenings Are Not Compensable

Plaintiffs argue Connecticut Wage Laws mandate pay for time employees are "required" to be on the employer's premises, but their interpretation wrongly treats brief, voluntary security screenings as "required." These screenings occur only when employees choose personal convenience; thus, the relevant question is what counts as "hours of work," which ordinarily means time spent on job duties that benefit the employer. *See Sarrazin v. Coastal, Inc.*, 311 Conn. 581, 623-624 (2014) ("[u]nder the wage laws, an employee is paid 'wages' for 'hours worked.' . . . The meanings ascribed to these terms reflect the fundamental principle that an employee's wages are linked to his ascertainable efforts rendered for the benefit of the employer.") (McDonald, J., concurring) (internal citations omitted).

Amazon derives no benefit from permitting employees to bring personal objects on its premises; accordingly, time spent in brief, voluntary security screenings is not "hours worked."

c. Interpretation Consistent with the FLSA Ensures Predictability

Connecticut courts consistently look to federal law to interpret the Connecticut Wage Laws. There is no reason to divert here. *See Stokes v. Norwich Taxi, LLC*, 289 Conn. 465, 477, 480-481, 487 (2008) (adopting First Circuit's framework to decide if fluctuating workweek could be used to calculate overtime; finding interpretation of federal and state law to be consistent); *Nettleton v. C & L Diners, LLC*, 219 Conn. App. 648, 700-07 (2023) (conducting a *de minimis* analysis to a state law claim, citing federal law and regulations).

This Court should follow Second Circuit precedent, which holds that time is compensable if the activity is integral and indispensable to the employee's main duties. *See Perez v. City of N.Y.*, 832 F.3d 120, 124 (2d Cir. 2016) An activity is (i) "'integral' if it is 'intrinsically 'connected with' a principal activity that an employee was hired to perform," and (ii) "'indispensable' if it is 'necessary' to the performance of a principal activity." *Id*. An activity is therefore "integral and indispensable to the principal activities that an employee is employed to perform if it is an intrinsic element of those activities and one with which the employee cannot dispense if he is to perform his principal activities." *Id.*

Conversely, activities that are part of everyday life but not integral to the job—such as commuting—are not compensable. *See Kavanagh v. Grand Union Co.*, 192 F.3d 269, 272-273 (2d Cir. 1999). For instance, employers are not mandated to pay employees for longer commutes resulting from the employees' choice of residence, even if commuting is "required" to attend work. The same logic applies to security screenings: just as commuting duration is a necessary but non-compensable activity affected by the employee choices, so too is time undergoing security screenings due to the personal decision to bring items to work. This aligns with the PTPA's non-compensable time, which includes walking, riding, or traveling to and from a worksite, since such is not integral and indispensable to an employee's primary work duties. *Compare Integrity Staffing Sols., Inc. v. Busk*, 574 U.S. 27, 30-33 (2014) (security screenings not integral and indispensable to work by warehouse workers) *with Kosakow v. New Rochelle Radiology Assocs., P.C.*, 274 F.3d 706, 718 (2d Cir. 2001) (time spent by a radiology technician starting up machines was integral and indispensable).

d. Uncertainty Over Compensable Time Likely Already Has Forced Employers Into Costly Settlements

Employers face ongoing uncertainty and are routinely pressured to settle costly lawsuits over potentially non-compensable time under Connecticut's Wage Laws. This ambiguity has produced a windfall for the plaintiffs' bar, as businesses are often forced to settle simply to avoid the significant costs and risks of litigation. This diverts resources that could be used for investment and job creation, as employers must defend opportunistic claims over trivial, non-productive activities. If voluntary security checks are compensable, Connecticut employers will be exposed to costly class actions likely reaching millions in legal fees and judgments, all for non-working time.

II. TIME SPENT GOING THROUGH SECURITY SCREENINGS IS QUINTESSENTIALLY *DE MINIMIS*

a. The *De Minimis* Rule Is Harmonious with Connecticut's Wage Laws

The Court should hold the *de minimis* rule applies to Connecticut's Wage Laws because it is consistent with Connecticut's Wage Laws *as written*. The *de minimis* doctrine generally considers three factors: "(1) the practical administrative difficulty of recording the additional time; (2) the size of the claim in the aggregate; and (3) whether 'the claimants performed the work on a regular basis.'" *Reich v. N.Y.C. Transit Auth.*, 45 F.3d 646, 652 (2d Cir. 1995).

Under Conn. Agencies Regs. §31-60-11, "working time … shall be computed to the nearest unit of fifteen minutes"—thus allowing employers to record time that is not to-the-second accurate. Applying a *de minimis* rule is consistent with this regulation because it protects employers from near-strict liability for trivial, unproductive moments—like unlocking a door, walking to a timeclock, or brief voluntary security screenings—where tracking time is

impractical. Without the *de minimis* rule, employers would face unreasonable burdens to monitor every second, leading to costly structural changes or prohibitive policies and unnecessary litigation. *Reich*'s three factors counsel that the post-shift security screenings at issue here—and, more broadly, that small instances of work-adjacent time—are *de minimis* and not compensable.

Absent this, must employees be paid for swiping a badge at an exterior door, walking to a timeclock, or punching in? These fleeting seconds fall squarely within the *de minimis* doctrine, protecting employers from a rigid standard of near strict liability for brief seconds of work-adjacent activity engaged in by employees. Absent this protection, employers face an impossible burden to track every millisecond of employee movement in their facilities, which is not realistic or feasible, and for many would require massive infrastructure investments to comply. This is neither realistic nor practical for the thousands of small employers throughout Connecticut; the only realistic outcome will be a bevy of class litigation over a few seconds of time, costing employers millions and buoying the plaintiffs' bar, with no real benefit to employees.

b. Employers Should Not Be Required to Pay Employees for Split-Second, Voluntary Activities

This case highlights the importance of the *de minimis* doctrine for three reasons. First, Connecticut regulations already exclude *de minimis* time. Per regulation, "hours worked" includes "time during which an employee is ***required*** by the employer to be on the employer's premises or to be on duty, or to be at the prescribed work place." Conn. Agencies Regs. § 31-60-11 (emphasis added). Here, the time is not employer-directed, and courts have recognized that *de minimis* activities which are not employer-directed are generally not compensable. In *Singh v. City of New York*, 524 F.3d 361, 371 n.9 (2d Cir. 2008) (Sotomayor, J.), the Second Circuit held, in part, that an employer could not be liable for *de minimis* variations in travel time as a "result of [the employee's] idiosyncratic

behavior," that "is not time spent necessarily and primarily for his employer's benefit." *Id.* at *n.9. The court noted that differences in commuting time attributable to personal choices pre-shift were not time that was required by the employer, since they involved non-work-related decisions by the employees that resulted in increased commute time. *Id.* The same applies here.

Second, Amazon has taken reasonable steps to ensure screening time is *de minimis. See supra note 10.* It is unfair to hold Connecticut businesses strictly liable for minimal screening time when employees can avoid such screening time entirely.

Third, the time at issue is *de minimis* because: (i) it is nearly impossible to track, as Amazon cannot predict when or if employees will bring personal items or when screening begins; (ii) screenings are brief, typically just seconds, making any claim insubstantial; and (iii) the occurrence is irregular, since employees can avoid screening altogether. *See Reich*, 45 F.3d at 652. It is unclear here what time Amazon would be expected to pay for—is it while being screened, when entering the line (and, if so, where does a line start), or the brief moment in the express lane? How can this be tracked? Would Amazon need to pay for time putting items in lockers?

The necessary imperfections in timekeeping and day-to-day variances in employee activity is what the U.S. Supreme Court sought to remedy in *Anderson v. Mt. Clemens Pottery Co*., 328 U.S. 680, 692 (1946). There, the Supreme Court rejected strict liability for minor periods of uncompensated time, explaining:

> [w]hen the matter in issue concerns only a few seconds or minutes of work beyond the scheduled working hours, such ***trifles may be disregarded***. ***Split-second absurdities are not justified by the actualities of working conditions*** or by the policy of the Fair Labor Standards Act. It is ***only when an employee is required to***

give up a substantial measure of his time and effort that compensable working time is involved.

Id. at 692 (emphasis added). Courts have consistently affirmed *Anderson*, noting that some activities are either impractical to track or too trivial:

- The few seconds daily that employees took to put on glasses, a hard hat and ear plugs. *See Sandifer v. U.S. Steel Corp*., 678 F.3d 590 (7th Cir. 2012), *aff'd* 571 U.S. 220 (2014);
- One minute for employees to log on or off a computer. *See Corbin v. Time Warner Entm't-Advance/ Newhouse P'ship*, 821 F.3d 1069, 1082 (9th Cir. 2016);
- Time traveling to terminals or applying equipment requirements, which amounted "to mere seconds or minutes." *Porter v. Kraft Foods Glob., Inc*., 2012 WL 7051311, at *¶46 (Ill. App. Ct. Dec. 10, 2012);
- Time logging into handheld computers and carrying them to and from their vans, which took a "minute or so." *See Chambers v. Sears Roebuck & Co*., 793 F. Supp. 2d 938, 956 (S.D. Tex. 2010); and
- Additional time involved with transporting canine unit dogs to and from work was "so negligible as to be *de minimis*." *Andrews v. Dubois*, 888 F. Supp. 213, 219 (D. Mass. 1995).

Indeed, courts across the country have maintained a *de minimis* exception. *See, e.g.*, *Troester v. Starbucks Corp.*, 421 P. 3d 1114 (Cal. 2018) 1125-1126 (Cal. 2018) (Cuellar, J., concurring) (declining to "consign employers or their

workers to measure every last morsel of employees' time");[13] *Mitchell v. JCG Indus.*, 745 F.3d 837, 845 (7th Cir. 2014) ("[T]he *de minimis* rule is alive and well in Illinois's law of employee compensation."). The same holds true even when there is no express *de minimis* exception under state statute or other governing authority. *See, e.g., England v. Advance Stores Co.,* 263 F.R.D. 423, 444-45 (W.D. Ky. 2009) (finding *de minimis* defense recognized in Kentucky common law and stating reliance on the FLSA and the *de minimis* doctrine "do[] no violence to the intent of the Kentucky Wages and Hours Act"); *United Food & Commer. Workers Union, Local 1473 v. Hormel Foods Corp.*, 367 Wis. 2d 131, 163 (applying *de minimis* doctrine to state wage and hour claims "[d]espite the lack of Wisconsin case law or state statutory guidance").

Without the *de minimis* exception, it is unclear when an employee's compensable workday begins if any security procedures exist. Swiping a badge, entering a code, or scanning a fingerprint could become compensable, making employers liable for split-second tasks, which the Supreme Court has rejected. Time clocks that round to the nearest minute or second would also become problematic, as some minimal time is always lost. The *de minimis* doctrine is necessary because it is impractical to track every moment of work-adjacent activity, and some flexibility is needed to prevent unfair results and unnecessary litigation.

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[13] *See also* Kruger, J., & Grimes, J., concurring: "But the law also recognizes that there may be some periods of time that are so brief, irregular of occurrence, or difficult to accurately measure or estimate, that it would neither be reasonable to require the employer to account for them nor sensible to devote judicial resources to litigating over them."

c. Advancements in Technology Do Not Obviate the Necessity of the *De Minimis* Doctrine

Tracking employee time to the millisecond is impractical, and the required infrastructure is neither accessible nor affordable for most Connecticut employers—especially, small businesses. Forcing Connecticut's employers to invest in costly systems just to capture a few extra seconds of non-productive time is unreasonable and contrary to the practical concerns recognized in *Anderson* and Connecticut's current statutory approach. [14]

Connecticut's Wage Laws allow rounding to the nearest fifteen-minute interval, meaning small increments of time may not be tracked as they fall within the rounded interval. The very reason for rounding is that recording every second of time is not practical, and thus it—like the *de minimis* doctrine—strives to balance administrative efficiency with fair compensation, while acknowledging that minor discrepancies due to rounding are consistent with the law. However, eliminating the *de minimis* doctrine would create a strict standard that would force militant compliance to the second; this would force employers, including small businesses, to make costly investments in new timekeeping technology, further eroding already thin margins. Requiring replacement of existing, functional systems is unfair to businesses that have already invested significant resources.

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[14] *See Anderson*, 328 U.S. at 698 ("The term [workweek] must be [interpreted and] applied equally to the hundreds of thousands of small businesses and small plants employing less than 200, and often less than 50 workers, where the recording of occasional minutes of preliminary activities and walking time would be highly impractical and the penalties of liquidated damages for a neglect to do so would be unreasonable.").

In short, although this case concerns Amazon, whether the *de minimis* doctrine applies should not be dictated by what Amazon can do, since its resources and sophistication outstrip those of typical employers (although it is unclear if even Amazon could record the time at issue). Bad facts make bad law, and the facts here are "bad": Amazon's capabilities are not reflective of the vast majority of employers. Thus, the Court is encouraged to consider, when reaching its decision on *de minimis* time, not just Amazon, but the broader implications to all Connecticut employers when analyzing the existence of the *de minimis* doctrine.

d. Maryland's Supreme Court Recently Adopted the *De Minimis* Rule

Recently, the Maryland Supreme Court ruled the *de minimis* rule applied to claims brought under Maryland Wage Laws under similar facts and anchored their holding on (i) statutory interpretation; (ii) state-statutory parallels to the FLSA; and (iii) policy considerations – all factors that favor a similar conclusion here. *See Martinez v. Amazon.com Servs. LLC*, No. 17, 2025 Md. LEXIS 250 (July 3, 2025).

First, the Maryland Supreme Court found that the statutory definition of "wage" as "all compensation that is due" does not clarify whether the *de minimis* rule applies, since it does not specify what compensation is actually owed. Similarly, Connecticut's Wage Laws define "wages" as "compensation for labor or services rendered by an employee…." *See* Conn. Gen. Stat. § 31-71a. Thus, the statute does not foreclose the possibility that trivial or insubstantial amounts of time fall outside the scope of compensable "labor or services rendered."

Second, the Maryland Supreme Court placed significant weight on close parallels between Maryland Wage Laws and the FLSA. *Id.* at *30 ("This Court has described the [Maryland Wage Laws] as the State 'equivalent,' 'parallel,'

'partner,' and 'counterpart' of the FLSA."). Similarly, Connecticut's Wage Laws parallel the FLSA, and Connecticut courts rely on FLSA case law when interpreting Connecticut's Wage Laws. *See* Defendant-Appellee Brief, Section I. B. 2, p. 24 (identifying statutory parallelisms); *see supra* Section I. c.

Finally, the Maryland Supreme Court concluded that, like the FLSA, Maryland's Wage Laws balance competing interests[15] and are not meant to impose liability for trivial or insignificant periods of time. *See id*. at *39 ("The Wage Laws require an employer to pay wages for time 'during a workweek that an individual ... is required by the employer to be on the employer's premises, on duty, or at a prescribed workplace.' But the Wage Laws are not intended to impose liability on employers - small, medium, or large - who fail to account for '[s]plit-second absurdities' due to 'the realities of the industrial world' and the 'actualities of working conditions[.]'") (internal citations omitted).

The reasoning in *Martinez* supports the conclusion that Connecticut's Wage Laws permit application of the *de minimis* rule. The statutory language, the close alignment with the FLSA, and the underlying policy rationale all support a construction that excludes liability for negligible increments of time. To hold otherwise contravenes legislative intent and practical realities, while also imposing unreasonable burdens on employers for inconsequential periods that the law was never designed to capture.

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[15] Notably, the Martinez Court emphasized, "although the FLSA is remedial in nature, 'the public interest in [FLSA] cases does not fall entirely on the side of employees'" *Id.* at *38-*39, citing to *E.M.D. Sales, Inc. v. Carrera*, 604 U.S. 45, 53 (2025).

CONCLUSION

The Court should hold that time spent in security screenings, based on personal choice, is not compensable under Connecticut's Wage Laws, and if compensable, is subject to the *de minimis* rule.

Respectfully submitted,

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CERTIFICATION OF SERVICE AND COMPLIANCE

I hereby certify, pursuant to Connecticut Rules of Appellate Procedure § 67-2, that: (1) the electronically submitted brief has been delivered electronically to the last known e-mail addresses of each counsel of record for whom an email address has been provided, as indicated below; (2) the electronically submitted brief and the filed paper brief have been redacted or do not contain any names or other personal identifying information that is prohibited from disclosure by rule, statute, court order or case law; and (3) the brief is 3,938 words.

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