

SUPREME COURT OF MONTANA

Sands v. Town of West Yellowstone

2007 MT 110, 337 Mont. 209 (2007) · No. DA 06-0085 · Decided May 8, 2007

SUMMARY

The Montana Supreme Court considered whether on-call hours worked by emergency medical technicians for the Town of West Yellowstone constituted compensable work time under the Fair Labor Standards Act. The Court held that disputed material facts concerning the restrictions on the EMTs' personal activities, geographic limitations, scheduling, and call-out duration precluded summary judgment. It reversed the judgment for the Town and remanded for a jury trial.

CASE DETAILS

COURT	Supreme Court of Montana
WRITING FOR THE COURT	Patricia O. Cotter; Karla M. Gray; James C. Nelson; W. William Leaphart; John Warner; Brian Morris; Jim Rice
JURISDICTION	Montana
DECIDED	May 8, 2007
DOCKET	DA 06-0085
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The Sands appealed from an order granting the Town's motion for complete summary judgment and denying the Sands' motion for partial summary judgment in an action seeking compensation under the FLSA for scheduled on-call time.
STANDARD OF REVIEW	Summary judgment is reviewed de novo under M. R. Civ. P. 56. The moving party must establish the absence of a genuine issue of material fact and entitlement to judgment as a matter of law. Conclusions of law are reviewed for correctness. On cross-motions for summary judgment, each motion must be evaluated independently, with reasonable inferences drawn against the party whose motion is under consideration.
PRECEDENTIAL VALUE	Published Montana Supreme Court opinion; precedential
PARTIES	Joe Sands, Rhonda Sands v. Town of West Yellowstone

TOPICS

flsa

wage and hour

summary judgment

standard of review

municipal law

PRACTICE AREAS

employment law

wage and hour

civil procedure

municipal law

QUESTIONS PRESENTED

1. Whether the District Court erred by determining as a matter of law that the Sands' scheduled on-call time was not compensable under the FLSA.
2. Whether disputed material facts concerning the restrictions and practical effects of the on-call requirements precluded summary judgment.

HOLDINGS

1. Whether the Sands were engaged to wait, making their on-call time compensable work time, or were waiting to be engaged, making it noncompensable, depends on the facts and circumstances of the case and was not properly resolved as a matter of law on this record.
2. Cross-motions for summary judgment do not establish the absence of genuine issues of material fact, and each motion must be evaluated independently on its own merits.

KEY QUOTATIONS

“Whether in a concrete case such time falls within or without the Act is a question of fact to be resolved by appropriate findings of the trial court.” (¶ 19)

“Our conclusion notwithstanding, we commend the District Court for its prodigious effort to resolve the issue of the compensability of Sands’ on-call time on summary judgment, as requested by the parties.” (¶ 29)

FACTUAL BACKGROUND

Joe and Rhonda Sands worked as paid EMTs for the Town of West Yellowstone. During scheduled on-call periods, they had to respond to emergency calls within five or seven minutes, refrain from alcohol use, and monitor emergency communications; the Town paid them one hour for every four hours of on-call time, while paying separately for station time and actual response time. The short response requirement, the small geographic area, limited local services, difficulty exchanging shifts, frequency and duration of call-outs, and inability to work second jobs or pursue many personal activities were disputed or materially relevant facts.

PROCEDURAL HISTORY

The Sands sued the Town alleging that restrictions placed on their on-call work as EMTs made the on-call hours compensable work time under the FLSA. Both parties moved for summary judgment. The District Court denied the Sands' motion and granted the Town's motion, concluding that the on-call time was not compensable. The Montana Supreme Court reversed and remanded for a jury trial.

DISPOSITION

REMAND INSTRUCTIONS

The District Court's order granting summary judgment to the Town was reversed, and the case was remanded for a jury trial on the merits of the Sands' claim.

CASES CITED

- Baltrusch v. Baltrusch, 2006 MT 51, ¶ 11, 331 Mont. 281, 130 P.3d 1267
- Kullick v. Skyline Homeowners Ass'n, Inc., 2003 MT 137, ¶ 13, 316 Mont. 146, 69 P.3d 225
- Hajenga v. Schwein, 2007 MT 80, ¶¶ 11-12, 18, 336 Mont. 507
- Ike v. Jefferson Nat. Life Ins. Co., 267 Mont. 396, 399-400, 884 P.2d 471, 474 (1994)
- Montana Metal Buildings, Inc. v. Shapiro, 283 Mont. 471, 477, 942 P.2d 694, 698 (1997)
- Skidmore v. Swift & Co., 323 U.S. 134, 65 S. Ct. 161 (1944)
- Armour & Co. v. Wantock, 323 U.S. 126, 133, 65 S. Ct. 165, 168 (1944)
- Garcia v. San Antonio Metro. Transit Auth., 469 U.S. 528, 105 S. Ct. 1005 (1985)
- Renfro v. City of Emporia, Kan., 948 F.2d 1529, 1541 (10th Cir. 1991)
- Berry v. County of Sonoma, 30 F.3d 1174, 1182 (9th Cir. 1994)
- Phillips v. Lake County, 222 Mont. 42, 721 P.2d 326 (1986)
- Shamblin v. City of Colchester, 793 F. Supp. 834 (C.D. Ill. 1992)
- Spencer v. Hyde County, 959 F. Supp. 721 (E.D.N.C. 1997)
- O'Brien v. Dekalb-Clinton Counties, 131 Lab. Cas. (CCH) ¶ 33,320 (W.D. Mo. 1995), vacated in part on other grounds, 3 Wage & Hour Cas. (BNA) 2d 972 (W.D. Mo. 1996)
- Owens v. Local No. 169, 971 F.2d 347, 351 (9th Cir. 1992)