

Compensable Work Day Includes Time Spent Donning and Doffing Protective Gear

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The U.S. Supreme Court recently ruled that employees must be paid under the Fair Labor Standards Act (FLSA) for time spent “donning” and “doffing” unique protective gear. *IBP, Inc. v. Alvarez*, 2005 U.S. LEXIS 8373 (2005). In addition, the Court held that employees must be compensated for time spent walking between the changing facility and work area at the beginning and end of each shift. Prior to the decision, many employers failed to pay employees for these tasks by relying on a FLSA exception relieving employers from paying for “preliminary” and “postliminary” activities.

In siding with a group of meat packing employees, the Court found that changing into and out of elaborate protective gear required by the employer to prevent injury was a “principal activity,” and therefore compensable. It went on to hold that because “donning” the gear constituted the first principal activity of the work day, any time spent after that, including walking to the work station must also be compensated. Likewise, time spent walking back to the changing facility at the end of the day to perform the final principal activity of “doffing” the gear was also compensable.

While the Court did not address whether time spent changing into less elaborate protective equipment, such as hardhats and shoes, or simply washing up, would also fall into the compensable category, the court below noted that such time is not “categorically excluded,” unless such time was de minimis.

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