

Seventh Circuit Sides With U.S. Steel In Latest Donning And Doffing Decision

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The Seventh Circuit in *Sandifer v. U.S. Steel* has provided union employers a useful tool to avoid potential Fair Labor Standards Act (“FLSA” or “Act”) liability.

Sandifer arose out of a “collective action” brought under the FLSA by 800 former and current unionized hourly workers at U.S. Steel’s steel works in Gary, Ind. The plaintiffs argued that U.S. Steel violated the FLSA when it failed to compensate them for time spent donning and doffing work clothes in a locker room at the plant. The work clothes at issue consisted of flame-retardant pants and jackets, work gloves, metatarsal boots, hard hats, safety glasses, ear plugs, and “snoods” (a hood that covers the top of the head, the chin, and the neck).

Plaintiffs further alleged they were entitled to compensation for time spent walking between the locker room and their workstations. The district court ruled that the FLSA did not require that changing time be compensated, but that the Act *may* require compensation for time spent walking to and from the locker room and therefore refused to dismiss the suit. Both parties subsequently appealed, and the Seventh Circuit recently issued its opinion in the matter.

Barnes & Thornburg's Labor & Employment Department has issued an Alert that highlights the Seventh Circuit Court of Appeals' decision in *U.S. Steel*. To read the Alert in its entirety, [click here](#).

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