

3 Donning and Doffing Tips for Employers

Food and beverage industry employers may require their employees to change into protective clothing or gear before and after their shifts for sanitary or safety reasons, or to comply with government regulations. Therefore, it is important for these employers to understand that the time employees spend "donning and doffing" protective clothing or gear may be compensable working time. Failure to properly pay employees for compensable time can lead to wage and hour litigation, which can be very costly.

For example, in March 2016, the Wisconsin Supreme Court upheld a damages award of \$195,087.30 in unpaid wages (plus attorney's fees) against Hormel Foods Corporation for failing to pay employees for time spent donning and doffing sanitary clothing. In light of this, employers must understand when employees must be paid for time spent donning and doffing. Here are three tips for employers that require employees to don and doff protective clothing or gear:

1. Time Spent Changing into Safety or Sanitation Gear:

If employees must change into protective clothing or gear to comply with federal or state regulations or for purposes of sanitation and safety, then the time employees spend changing is normally required to be paid. In *Weismann v. Tyson Prepared Foods, Inc.*, employees were required to wear hair nets, beard nets, frocks, vinyl gloves, vinyl sleeves, hard hats, safety glasses, ear plugs and special shoes. The court found that the time employees spent changing into and out of this gear was compensable because such gear was needed to avoid contamination and to keep employees safe.

2. Donning and Doffing Before and After Meal Periods:

In Wisconsin, employees must be paid for breaks unless the employee is allowed an uninterrupted period of at least 30 consecutive minutes and is permitted to leave the premises. But if an employee chooses to leave the premises, that employee may have to change out of protective clothing or gear before leaving, and put it back on upon returning. Notably, employees must be paid for the time they spend donning and doffing their protective clothing or gear before and after

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meal periods. Thus, employers must ensure that the donning and doffing does not reduce the 30-minute meal period and ensure that time spent changing before and after the meal period is paid.

3. Capturing Compensable Time:

When donning and doffing are compensable, the time employees spend walking from the locker room (or other area where employees change) to the work station, and vice versa, must also be paid. As such, employers may want to have time clocks located near the locker room so that all compensable time is properly captured. Employees should be instructed to clock in immediately before donning protective clothing and to clock out after doffing protective clothing. If time clocks cannot be located near the locker room, employers should instruct employees to track and report the time they spend changing.

If you have any questions about wage and hour laws as they apply to donning and doffing, or would like assistance in determining if the donning and doffing at your facility is compensable time, please contact [Robert S. Driscoll](#), [Katie D. Triska](#) or your Reinhart attorney.

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