

Georgia 'Donning and doffing' case headed to high court?

You may remember that the U.S. Supreme Court decided a donning and doffing case about a year ago. That might have been the end of the matter. But nothing is simple when it comes to employment law.

Recently, a three-judge panel of the 11th Circuit Court of Appeals ruled that workers cannot demand pay for time spent donning and doffing their uniforms in most circumstances. The ruling marks a significant turn in, but not the end of, a seven-year lawsuit that started with a dozen workers at six poultry facilities in Georgia and Alabama.

The 11th Circuit distinguished this case from the Supreme Court decision mainly because it concluded the time spent was minimal and didn't involve complicated or specialized equipment.

The employees argued they should be paid for the time they spend putting on and taking off smocks, hairnets, beard nets, gloves, earplugs and other protective wear. "We believe that because these workers are earning close to the minimum wage and are struggling as it is now, they should be compensated for the tasks they are required to perform to complete their production work," said one plaintiff's attorney.

Attorneys for the employees have vowed to appeal: first by asking the 11th Circuit to reconsider its decision, then moving on to the Supreme Court, if necessary.