

12-417 SANDIFER V. UNITED STATES STEEL CORP.

DECISION BELOW: 678 F.3d 590

LOWER COURT CASE NUMBER: 10-1821, 10-1866

QUESTION PRESENTED:

Under the Fair Labor Standards Act, the period of time during which a covered employee must be paid begins when the worker engages in a principal activity. Donning and doffing safety gear (including protective clothing) required by the employer is a principal activity when it is an integral and indispensable part of the activities for which the worker is employed. Such requirements are common in manufacturing firms. However, under section 203(o) of the Act an employer need not compensate a worker for time spent in "changing clothes" (even if it is a principal activity) if that time is expressly excluded from compensable time under a bona fide collective bargaining agreement applicable to that worker.

The interrelated questions presented are:

(1) What constitutes "changing clothes" within the meaning of section 203(o)?

(2) If a worker's actions are a principal activity but fall within the scope of the section 203(o) exemption, do those actions nonetheless commence the period of time during which (aside from the clothes-changing time) the worker must be compensated?

(3) If a worker engages in a principal activity which is not exempted by section 203(), but which involves only a *de minimis* amount of time, does the activity nonetheless commence the period of time during which the worker must be compensated?

LIMITED TO QUESTION 1.

CERT. GRANTED 2/19/2013