

Update Policies on Donning and Doffing for COVID-19 Environment

By Justin R. Barnes

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As federal and state safety and health guidelines in response to the COVID-19 pandemic call for extensive use of personal protective equipment (PPE) in the workplace, employers should give their policies on “donning and doffing” a fresh look.

“Donning and doffing” refers to employees putting on and taking off work-related PPE and other health and safety gear. Whether workers are entitled to compensation for time spent donning and doffing PPE has been the subject of litigation that has plagued employers, especially those in the manufacturing industry, for years. The federal standards may differ from state standards, and one state’s may be different from its neighbors’.

Employees who regularly had to wear PPE and other health and safety equipment are now wearing new and additional types of equipment. Similarly, employees who never wore any safety equipment are now wearing such equipment.

Claims for compensation for time associated with donning and doffing often are brought on a classwide basis. Employers can take steps to mitigate the risk of claims, including:

- Take a fresh look at your donning and doffing policies, and make sure they require employees to don and doff extra equipment on the clock.
- If employees must obtain the new equipment at work, then make sure they retrieve it after clocking in and return it before clocking out.
- Control when employees are donning, doffing, and retrieving the new equipment so they are not “on the clock” before they are supposed to be.
- If paying employees a flat amount of time or money to cover donning and doffing activities, make sure the flat amount is sufficient to cover the new equipment.
- Unionized facilities should review the agreement with the union to determine whether it addresses this issue.
- If employees have to clean or sanitize their own equipment, then ensure that is done on the clock as well.

Each employer’s circumstances is different and some employers may need to take additional steps in an evolving environment that includes reopening orders with extensive requirements that create compliance issues that can vary significantly depending on the specific state or local jurisdiction. Jackson Lewis attorneys are closely monitoring updates and changes to legal requirements and guidance and are available to help employers weed through the complexities involved with [state-specific or multistate-compliant plans](#).

If you have questions or need assistance, please reach out to the Jackson Lewis attorney with whom you regularly work, or any member of our [COVID-19 team](#).

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