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NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.,* 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

SANDIFER ET AL. *v.* UNITED STATES STEEL CORP.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

No. 12–417. Argued November 4, 2013—Decided January 27, 2014

Petitioner Sandifer and others filed a putative collective action under the Fair Labor Standards Act of 1938, seeking backpay for time spent donning and doffing pieces of protective gear that they assert respondent United States Steel Corporation requires workers to wear because of hazards at its steel plants. U. S. Steel contends that this donning-and-doffing time, which would otherwise be compensable under the Act, is noncompensable under a provision of its collective-bargaining agreement with petitioners' union. That provision's validity depends on 29 U. S. C. §203(*o*), which allows parties to collectively bargain over whether "time spent in changing clothes . . . at the beginning or end of each workday" must be compensated. The District Court granted U. S. Steel summary judgment in pertinent part, holding that petitioners' donning and doffing constituted "changing clothes" under §203(*o*). It also assumed that any time spent donning and doffing items that were not "clothes" was "*de minimis*" and hence noncompensable. The Seventh Circuit affirmed.

Held: The time petitioners spend donning and doffing their protective gear is not compensable by operation of §203(*o*). Pp. 3–15.

(a) This Court initially construed compensability under the Fair Labor Standards Act expansively. See, *e.g.*, *Anderson* v. *Mt. Clemens Pottery Co.*, 328 U. S. 680. The Act was amended in 1949, however, to provide that the compensability of time spent "changing clothes or washing at the beginning or end of each workday" is a subject appropriately committed to collective bargaining, §203(*o*). Whether petitioners' donning and doffing qualifies as "changing clothes" depends on the meaning of that statutory phrase. Pp. 3–6.

(b) The term "clothes," which is otherwise undefined, is "interpreted as taking [its] ordinary, contemporary, common meaning." *Perrin*

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v. *United States*, 444 U. S. 37, 42. In dictionaries from the era of §203(*o*)'s enactment, "clothes" denotes items that are both designed and used to cover the body and are commonly regarded as articles of dress. Nothing in §203(*o*)'s text or context suggests anything other than this ordinary meaning. There is no basis for petitioners' proposition that the unmodified term "clothes" somehow omits protective clothing. Section 203(*o*)'s exception applies only when the changing of clothes is "an integral and indispensable part of the principal activities for which covered workmen are employed," *Steiner* v. *Mitchell*, 350 U. S. 247, 256, and thus otherwise compensable under the Act. See 29 U. S. C. §254(a). And protective gear is the *only* clothing that is integral and indispensable to the work of many occupations, such as butchers and longshoremen. Petitioners' position is also incompatible with the historical context of §203(*o*)'s passage, contradicting contemporaneous Labor Department regulations and dictum in *Steiner*, see 350 U. S., at 248, 254–255. The interpretation adopted here leaves room for distinguishing between clothes and wearable items that are not clothes, such as some equipment and devices. The view of respondent and its *amici* that "clothes" encompasses the entire outfit that one puts on to be ready for work is also devoid of any textual foundation. Pp. 6–10.

(c) While the normal meaning of "changing clothes" connotes substitution, "changing" also carried the meaning to "alter" at the time of §203(*o*)'s enactment. The broader statutory context makes plain that "time spent in changing clothes" includes time spent in altering dress. Whether one exchanges street clothes for work clothes or simply chooses to layer one over the other may be a matter of purely personal choice, and §203(*o*) should not be read to allow workers to opt into or out of its coverage at random or at will when another reading is textually permissible. Pp. 10–11.

(d) Applying these principles here, it is evident that the donning and doffing in this case qualifies as "changing clothes" under §203(*o*). Of the 12 items at issue, only 3—safety glasses, earplugs, and a respirator—do not fit within the elaborated interpretation of "clothes." Apparently concerned that federal judges would have to separate the minutes spent clothes-changing and washing from the minutes devoted to other activities during the relevant period, some Courts of Appeals have invoked the doctrine *de minimis non curat lex* (the law does not take account of trifles). But that doctrine does not fit comfortably within this statute, which is all about trifles. A more appropriate way to proceed is for courts to ask whether the period at issue can, *on the whole*, be fairly characterized as "time spent in changing clothes or washing." If an employee devotes the vast majority of that time to putting on and off equipment or other non-clothes items, the

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entire period would not qualify as "time spent in changing clothes" under §203(*o*), even if some clothes items were also donned and doffed. But if the vast majority of the time is spent in donning and doffing "clothes" as defined here, the entire period qualifies, and the time spent putting on and off other items need not be subtracted. Here, the Seventh Circuit agreed with the District Court's conclusion that the time spent donning and doffing safety glasses and earplugs was minimal. And this Court is disinclined to disturb the District Court's additional factual finding, not addressed by the Seventh Circuit, that the respirators were donned and doffed as needed during the normal workday and thus fell beyond §203(*o*)'s scope. Pp. 12–15.

678 F. 3d 590, affirmed.

SCALIA, J., delivered the opinion of the Court, in which ROBERTS, C. J., and KENNEDY, THOMAS, GINSBURG, BREYER, ALITO, and KAGAN, JJ., joined, and in which SOTOMAYOR, J., joined except as to footnote 7.

SUPREME COURT OF THE UNITED STATES

No. 12–417

CLIFTON SANDIFER, ET AL., PETITIONERS *v.* UNITED STATES STEEL CORPORATION

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

[January 27, 2014]

JUSTICE SCALIA delivered the opinion of the Court.*

The question before us is the meaning of the phrase "changing clothes" as it appears in the Fair Labor Standards Act of 1938, 52 Stat. 1060, as amended, 29 U. S. C. §201 *et seq.* (2006 ed. and Supp. V).

I. Facts and Procedural History

Petitioner Clifton Sandifer, among others, filed suit under the Fair Labor Standards Act against respondent United States Steel Corporation in the District Court for the Northern District of Indiana. The plaintiffs in this putative collective action are a group of current or former employees of respondent's steelmaking facilities.[1] As

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* JUSTICE SOTOMAYOR joins this opinion except as to footnote 7.

[1] Petitioners filed this action under 29 U. S. C. §216(b), which establishes a cause of action that may be maintained "by any one or more employees for and in behalf of himself or themselves and other employees similarly situated." Pending resolution of the instant summary-judgment dispute, a Magistrate Judge set aside a motion to certify the suit as a collective action, see No. 2:07–CV–443 RM, 2009 WL 3430222, *1, n. 1 (ND Ind., Oct. 15, 2009), but petitioners assert that their ranks are about 800 strong.

relevant here, they seek backpay for time spent donning and doffing various pieces of protective gear. Petitioners assert that respondent requires workers to wear all of the items because of hazards regularly encountered in steel plants.

Petitioners point specifically to 12 of what they state are the most common kinds of required protective gear: a flame-retardant jacket, pair of pants, and hood; a hardhat; a "snood"; "wristlets"; work gloves; leggings; "metatarsal" boots; safety glasses; earplugs; and a respirator.[2] At bottom, petitioners want to be paid for the time they have spent putting on and taking off those objects. In the aggregate, the amount of time—and thus money—involved is likely to be quite large. Because this donning-and-doffing time would otherwise be compensable under the Act, U. S. Steel's contention of noncompensability stands or falls upon the validity of a provision of its collective-bargaining agreement with petitioners' union, which says that this time is noncompensable.[3] The validity of that provision depends, in turn, upon the applicability of 29 U. S. C. §203(*o*) to the time at issue. That subsection allows parties to decide, as part of a collective-bargaining agreement, that "time spent in changing clothes . . . at the beginning or end of each workday" is noncompensable.

The District Court granted summary judgment in pertinent part to U. S. Steel, holding that donning and doffing

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[2]The opinions below include descriptions of some of the items. See 678 F. 3d 590, 592 (CA7 2012); 2009 WL 3430222, *2, *6. And the opinion of the Court of Appeals provides a photograph of a male model wearing the jacket, pants, hardhat, snood, gloves, boots, and glasses. 678 F. 3d, at 593.

[3]The District Court concluded that the collective-bargaining agreement provided that the activities at issue here were noncompensable, 2009 WL 3430222, *10, and the Seventh Circuit upheld that conclusion, 678 F. 3d, at 595. That issue was not among the questions on which we granted certiorari, and we take the import of the collective-bargaining agreement to be a given.

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