



Chico Police Department  
1460 Humboldt Road  
Chico, CA 95928  
office: 530.897.4950  
fax: 530.895.4929

---

Hello Craig and thank you for putting out my inquiry about the issue of compensation for employees who don and doff police safety equipment. There was a large response from chiefs across the state and I would like to share the results of our research and our City attorney's opinion.

Our City attorney has opined that donning and doffing the basic police uniform, including a safety vest and gun belt, does not rise to the level of requiring compensation under FLSA as described in *IBT, Inc v. Alvarez and Tum et al. v. Barber Foods, Inc., dba Barber Foods (IBT decision)*.

The opinion is based on the following criteria. In the IBT decision, the employers required that the employees don and doff "specialized protective gear" at the employers facility. It was heavy, bulky and unique gear that is time consuming equipment to don and doff. Chico officers are not required to don and doff any gear at the police facility by general order of the Chief of Police. The Chico policy allows Chico officers to dress at home if they choose and the locker room at the police facility is therefore for the officer's convenience. The IBT decision suggests that the Supreme Court would be unlikely to find the donning and doffing of non-unique gear, such as a basic police uniform, safety vest and gun belt, sufficiently "integral and indispensable" to a police officer's principal duties. Such donning and doffing would be likely being viewed as "preliminary" to the principal work activity of the police officer. It was also opined that, even if the vest and belt were considered "specialized protective gear", the time spent to don and doff such gear is de minimis as a matter of law.

One caution; however, there could be a case made that SWAT gear and Bomb Squad gear and the like could be deemed "specialized and unique" and could qualify under FLA. In our case, our SWAT and Bomb officers don their specialized gear at a call up and are on the clock already when they don the equipment, and are on the clock when they doff such equipment prior to a debriefing. We therefore believe that we have satisfied any issues with such highly specialized safety equipment and officers being compensated.

I would like to thank all those Chiefs and Departments who responded to this request with special thanks to the Cities of San Louis Obispo, Vallejo, San Bernardino Sheriff's Department ( a referral from Rialto P.D.), the Department of Labor ( a referral from Colma), LAPD, and of course our house council Mr. Marty Mayer.

Bruce Hagerty  
Chief of Police