

## CASE STUDY



### Conagra Brands

#### CHICAGO, ILOVERVIEW

Workers from Conagra’s Russellville, Arkansas facility filed a wage-and-hour class and collective action lawsuit alleging violations of the Fair Labor Standards Act (FLSA) and the Arkansas Minimum Wage Act (AMWA), claiming that they should have been paid for time spent donning and doffing before and after shifts.

### Challenges

The workers were all subject to a collective bargaining agreement (CBA) that was recently agreed to and did not provide compensation for donning and doffing. While FLSA case law in this area was fairly clear, no Arkansas court had considered the AMWA claims at stake. During this litigation, the Arkansas Supreme Court ruled in another, unrelated case that the FLSA’s exception to donning-and-doffing rules for unionized employees did not apply to AMWA claims, despite the existence of a CBA stating otherwise, a decision that was itself later overturned by the state legislature.

### Solution

Amid the uncertainty described above, the Husch Blackwell team held firm to its understanding of the pertinent laws and how they are applied. In effect the substance of the CBA could not be discarded by plaintiffs on FLSA or AMWA grounds, a point eventually clarified by the legislature when it held that “[n]othing in this subchapter...shall be deemed to

### Industry

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### Legal Team

Brittany M. Falkowski

Josef S. Glynias

Kaytlin E. Kopen

Scott D. Meyers

Andrew J. Weissler

interfere with, impede, or in any way diminish the right of employers and employees to bargain collectively through representatives of their own choosing in order to establish wages or other conditions of work.”

### Result

Our team’s persistence paid off. Conagra prevailed on summary judgment in district court litigation in October 2013, September 2015, and August 2017. When the matter finally reached the Eighth Circuit, the law had settled down considerably and provided added assurance that the decades of jurisprudence on such issues would be respected. The appeals panel affirmed the lower court decision in Conagra’s favor and in so doing provided Arkansas employers more clarity as to how CBAs were to be viewed in the context of wage and hour litigation.