



ZIMMERMAN REED  
ATTORNEYS AT LAW

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CONTACT: GORDON RUDD  
Cell: 612.386.4632

## BUTTERBALL'S PAY PRACTICES ON THE LINE

### Federal Court Ruling Moves Workers' Case Forward

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In April 2008, workers at Butterball's turkey processing plants in Ozark and Huntsville, Arkansas filed a lawsuit against Butterball for its failure to pay workers for time spent putting on and taking off protective equipment before and after shifts, and during unpaid breaks. The workers' lawsuit is titled *Helmert v. Butterball, LLC*.

On December 15, 2009, Chief Judge Leon Holmes of the United States District Court for the Eastern District of Arkansas issued a 36-page order favoring the employees, and certifying a collective action under the federal Fair Labor Standards Act. The case now potentially includes thousands of current and former employees at the two plants.

According to Gordon Rudd, an attorney for the workers, "This was an important win for the workers. Current and former processing workers at Butterball's Huntsville and Ozark plants will now receive a notice telling them they have the right to participate in the case and challenge this Company's pay practices." In collective actions, employees join the case to participate in any potential repayment for wrongly withheld wages.

Rudd also noted, "In similar cases, we have found up to 30 minutes each day is spent working 'off-the-clock.' This work is mandatory, and some of it is even required by USDA and OSHA regulations – but unpaid. That's a violation of federal law." Poultry and meat processing employers have paid millions of dollars to settle some of these types of class action lawsuits; some workers have been awarded thousands of dollars in back pay.

The Arkansas District Court's Order fell in line with other federal courts that have required food processing employers to pay their employees for time spent putting on and off all necessary gear worn by processing employees.

Current or former production employees at Butterball's turkey processing plants can get more information about joining the lawsuit at [www.fairpayattorneys.com](http://www.fairpayattorneys.com) or by calling 800.890.2902. All calls are kept confidential, and translators are available for those who do not speak English fluently. The Court's order is also available at [www.fairpayattorneys.com](http://www.fairpayattorneys.com). The workers are represented by the law firms of Zimmerman Reed, PLLP, of Minneapolis, MN and Larson King, LLP of St. Paul, MN.

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