



WHD-OL-1978-0011

July 28, 1978

NAME*

This is in reply to your letter requesting an opinion on uniform procurement and maintenance under the Fair Labor Standards Act. We regret the delay in responding.

In your letter you state that one employer provides and maintains a smock for all of the employees which is to be worn with a dark blue pair of trousers or skirt. You also state that another employer does not provide any clothing but specifies that the employees wear a white shirt and trousers of a dark color. Neither employer specifies the style, quality, or material of the trousers or shirts to be worn by the employees except that blue jeans and dungarees are not permitted.

You state that "since the trousers, slacks or skirt are of 'general type of ordinary basic street clothing,' it is your contention that such clothing does not represent a portion of the uniform and the employer is not obligated to reimburse the employee for the purchase price nor is the employer required to maintain it in the same manner as the smocks are treated." You base this contention on the Wage and Hour Field Operations Handbook. Section 30c05 (f) of that Handbook reads as follows:

- (1) Questions have been raised as to whether certain types of dress are considered uniforms for purposes of Section 3(m).
- (2) Although there are no hard-and-fast rules, the following principles are applicable:
 - a. If an employer merely prescribes a general type of ordinary basic street clothing to be worn while working and permits variations in details of dress, the garments chosen by employees would not be considered to be uniforms.
 - b. On the other hand, where the employer does prescribe a specific type and style of clothing to be worn at work, e.g., where a restaurant or hotel requires a tuxedo or a skirt and blouse or jacket of a specific or distinctive style, color, and quality, such clothing would be considered uniforms.
 - c. Other examples would include uniforms required to be worn by guards, cleaning and culinary personnel, and nurses.

Based on the information provided in your letter, i.e., that the employee required clothing is of “a general type of ordinary basic street clothing”, we concur with your opinion that the pants, skirts, and shirts would not constitute a uniform in this situation.

Sincerely,

Xavier M. Vela
Administrator

WH-466

*Note: The actual name(s) was removed to protect privacy in accordance with 5 U.S.C. § 552(b)(7).