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SCA 303.43

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U.S. DEPARTMENT OF LABOR  
EMPLOYMENT STANDARDS ADMINISTRATION  
WASHINGTON, D.C. 20210



17 APR 1975

This is in further reference to our letter of June 7, 1974, concerning employer liability for maintaining uniforms provided without cost to the employees. In the interim, many questions have been raised especially with respect to employees subject to the Service Contract Act. Accordingly, we have reviewed the matter carefully and have reached the following conclusions which have the concurrence of the Office of the Solicitor.

We have concluded that whether the employee is washing a uniform required by the nature of the job or by contract pursuant to his employment on work subject to either the Fair Labor Standards Act or the Service Contract Act, or both, the cost of cleaning and maintaining the required uniform is one that the employee is incurring on behalf of the employer and for which he is entitled to be reimbursed to the extent that such cost reduces the minimum wage or overtime compensation the employee is entitled to under these laws. As noted in our previous letter, in addition to the time they spend in cleaning the uniforms, employees incur out-of-pocket expenses for soaps and other materials used in laundering their uniforms. In applying the above mentioned laws, we have found that these general considerations are complicated by the various methods used by employees in providing clean uniforms. Many employees throw a wash-and-wear uniform in with the family wash. Others may use the facilities of a laundromat, with the attendant charges. A percentage may send the uniform to a commercial laundry for service. Some uniforms require pressing while others do not. In some cases, a uniform rental service is used, and in others, the washing is done by hand.

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There is no problem in determining costs for reimbursement purposes where an employer arranges for commercial laundry or rental service. In such situations the actual cost will continue to be used. However, it would not be feasible to require employers to compensate their employees for costs of maintaining uniforms on the basis of the actual cost of each employee in other situations. Such a procedure would be administratively difficult and an extreme burden on employers in view of the many variations and costs involved, some of which may vary from week to week. For enforcement purposes, therefore, we will accept the payment to the employee of \$2.00 a week (allocable at 40 cents a day) for uniform cleaning and maintenance as compliance with the Fair Labor Standards Act and the Service Contract Act.

Since the section 6(b) Fair Labor Standards Act minimum rate has increased to \$2.00 an hour on January 1, 1975, and the cost of laundering uniforms at a commercial laundry will probably be similarly increased, we feel it would be equitable for the amount now determined acceptable for enforcement purposes as constituting compliance with both the Fair Labor Standards Act and the Service Contract Act to be increased to \$2.20 a week (44 cents a day) on January 1, 1976 and \$2.30 on January 1, 1977.

It is possible that in particular situations the employer or employee can establish that a different standard regarding the cost of uniform laundering should apply. This would be the case, for example, where a specific amount has been negotiated under a bona fide collective bargaining agreement. In such a case, we would not insist on a weekly amount, but would accept an agreement which calls for a specific hourly amount, such as 5 cents for each hour worked. In other cases, it may develop that the cost to the employee per week is more or less than that designated above.

The above discussion is limited to maintenance cost reimbursements. Where an employer does not furnish the uniforms to his employees without cost to them, the employees must be reimbursed for the actual cost to them of purchasing or renting the uniforms to the extent that such cost reduces the minimum or overtime wages required under the Fair Labor Standards Act or the Service Contract Act.

Sincerely,

/s/ Warren D. Landis

Warren D. Landis  
Acting Administrator  
Wage and Hour Division