

FLSA-825

June 15, 1978

This is in reply to your letter of May 25, 1978, regarding the application of the Fair Labor Standards Act to the acquisition of uniforms by the employees of your firm. You state that you are furnishing employees with two uniforms free of charge and are also paying them for uniform maintenance. You ask if the employees can purchase additional uniforms for their own convenience and if so, what records should be kept for these purchases.

The answer is yes, on the assumption confirmed by you in a telephone conversation with a staff member of this office on June 2, 1978, that the two uniforms provided by the employer are sufficient with respect to the nature of the work assignments and job duties performed by the employees and that the employees elect of their own free will and accord to purchase additional uniforms. We also assume, of course, that the employer provides replacement uniforms as needed without cost to the employees. As employer would not be required to pay for or reimburse an employee for uniform costs incurred solely at the request and convenience of the employee.

With regard to your question concerning records that should be kept with respect to uniform purchases, as explained in section 516.2(a)(10) of Regulations 29 CFR Part 516, copy enclosed, an employer is required to maintain records which, show the total additions to or deductions from wages paid each pay period. If the employees purchase the additional uniforms on their own, rather than through the employer, no record of such private transaction need be kept.

If we can be of any further assistance, please feel free to write us.

Sincerely,

Paul G. Campell
Director, Division of
Minimum Wage and Hour Standards

Herbert Cohen
Assistant Administrator