

FLSA-1388

July 31, 1981

Thank you for your letter of April 30, 1981, enclosing a copy of the documents you submitted to the Cabinet-level Task Force on Regulatory Relief, regarding three policies adopted pursuant to the Fair Labor Standards Act. We regret the delay in responding.

You believe that our enforcement policy on employer reimbursement of employee incurred uniform maintenance expenses should be modified to grant an exception for wash and wear uniforms. You believe this exception should be allowed since the cost of and time spent in maintaining such uniform could be considered deminimis.

The issue of whether employees incur measurable costs when maintaining wash and wear uniforms has been under review for some time. We are aware that most uniforms of a "wash and wear" material require only washing and tumble or drip drying and may be laundered with other personal garments. On the other hand, some uniforms of a "wash and wear" material require daily or special require daily or special laundering due to heavy soiling or usage. Other uniforms require ironing, dry-cleaning or patching and repairs due to the nature of the work. We have concluded that for those uniforms of "wash and wear" material requiring only washing and tumble or drip drying which may be laundered with other personal garments, a uniform maintenance reimbursement will not be required. However, for those uniforms which require daily or other than routine laundering with personal garments, our uniform maintenance reimbursement policy remains unchanged.

We are continuing to review our definition of a uniform and our policy with respect to the amount of an employee's tips which may be used to fund a tip pool. We will respond further on these issues as soon as possible.

Sincerely,

Henry T. White, Jr.
Deputy Administrator