

**FLSA-827**

July 7, 1977

This is in reply to your letter of June 16, 1977 in which you request an opinion as to whether certain clothing that is worn by waiters and waitresses is considered as a uniform under the provisions of the Fair Labor Standards Act. You state in the specific case the employer furnishes waiters and waitresses a large orange apron at company expense and they are instructed that they may wear clothing of any type, style or material with that apron, so long as such clothing is some shade of white. Thus, any kind of white shirt, blouse, sweater, pants, skirt, dress, jumpsuit, etc., may be worn with the management-provided apron.

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 the employees would not be considered to be uniforms. 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.

On the basis of the information provided, it is our opinion that only the apron furnished the employees would be considered as a uniform.

Sincerely,

Administrator