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Guidance for the New York State Hospitality Industry on Uniforms

In the hospitality industry, employers must purchase or reimburse employees for required uniforms. Employers are also responsible for paying for the maintenance of required uniforms. The New York State Department of Labor is responsible for enforcing these provisions of the Labor Law and is providing the following guidance to assist you with compliance and avoid the cost of uniform maintenance.

Avoid Uniform Maintenance Pay: Uniform purchase and maintenance costs can add up. An employer can avoid uniform purchase and maintenance expenses by doing any **one** of the following:

- Establish a dress code rather than requiring a uniform. Allow employees to wear ordinary clothing of a specific color or style. Do not be too specific about the dress code (name brands, specific retail stores to purchase, clothing details, etc.) or you may be responsible for purchasing the items and may have to pay employees to clean them.

What is a required uniform? A required uniform is clothing which an employer requires employees to wear while at work. This includes clothing that must be worn to comply with any federal, state, city or local law, rule, or regulation. Clothing with an employer’s business logo on it, or other business advertising is a required uniform. An employer must purchase these and also pay employees to clean this type of required uniform.

What is not a required uniform? Regular, basic, street clothing, which an employee can wear while not at work, is not a required uniform. For example, black pants, white dress shirt, black polo shirt, etc. An employer does not have to purchase or pay employees to maintain regular clothing.

- Provide a nametag or apron that an employee wears with regular clothing or with a dress code. Keep the nametag or aprons at the workplace and clean them yourself.
- Purchase and provide a required uniform that is “wash and wear.” This is a uniform that an employee can easily wash with regular clothes, and can wear to work without dry cleaning, ironing, etc. For example, a shirt with a logo can be “wash and wear.” Give each employee enough of these uniforms to wear, consistent with the average number of days per week worked by the employee.
- Launder the employees’ uniforms yourself. Either assign laundry duty to an employee or send uniforms to be laundered by a service. Have the employees dress while at work and turn in their worn uniforms before leaving. If employees choose to launder their uniforms themselves instead of using the employer-provided services, then you do not have to pay uniform maintenance as long as the laundry services are free, functional, and reasonably frequent. Make sure to notify employees of the laundry service you are providing in writing, such as on a poster or in your employee handbook.

If you choose not to maintain required uniforms for employees, you will be responsible for paying employees a specific amount each week, in addition to regular wages, to clean their own required uniforms. The amount that must be paid depends on how many hours an employee works per week (see below). Uniform maintenance pay cannot be offset by free meals or lodging.

	Low (20 or fewer weekly hours)	Medium (over 20 and up to 30 weekly hours)	High (over 30 weekly hours)
12/31/2017 – 12/30/2018			
NYC- Large Employers (of 11 or more)	\$7.75	\$12.80	\$16.20
NYC- Small Employers (10 or less)	\$7.15	\$11.80	\$14.95
Long Island & Westchester	\$6.55	\$10.80	\$13.70
Remainder of New York	\$6.20	\$10.25	\$12.95