

Employer not required to pay for uniforms

I work for a company that merged with another company three years ago. My initial company did not require specific colors or styles of scrubs that we must wear. Now, the new company plans to require specific color and style scrubs with embroidered company logos but will not provide stipends for us to purchase them. Can the company do this legally?

Don Johnsen
Gallagher & Kennedy

Yes. As in most states, employers in Arizona have the right to establish reasonable work rules. This includes rules governing apparel or uniforms. The company has the right to decide what style and color scrubs employees must wear on the job. An employee's refusal or failure to comply with such a rule would be legitimate grounds for termination.

The fact that the old company did not care does not change the outcome. New management has the right to set its own new rules and policies, including new rules concerning apparel or uniforms.

Arizona law does not require that employers pay for uniforms or special clothing, even when the employer mandates that apparel. Some employers might pay for such items, figuring that it's better for employee relations and morale. The law also varies from state to state, as some states require that employers pay. But in Arizona the employer is not legally obligated to pay.

Arizona does prohibit employers from charging workers a fee to get or keep a job. But that law is designed to prevent kickbacks to an employer. It is not generally interpreted to mean that employers must pay



Don Johnsen



Laura Lawless Robertson

incidental expenses that workers incur in connection with their employment, like the cost of apparel, even though the employer is mandating those expenses.

The worker may take some comfort in the fact that employees may be able claim the cost of uniforms or other special apparel as a deduction on their federal income tax returns.

Laura Lawless Robertson
Squire Sanders

A private company operating in Arizona may require its employees to wear uniforms, such as specific color or style scrubs bearing company logos. Employers also may lawfully require their Arizona employees to pay for the uniforms. However, your employer may not deduct the cost of your uniform from your paycheck without your written consent.

Your employer also may not deduct the cost of the uniform from your wages if the deduction would cause you to earn less than the applicable minimum wage for each hour you work up to 40 hours in a workweek, currently \$7.80 an hour in Arizona, or if the deduction would cause you to earn less than the applicable overtime wage, 1½-times your regular rate of pay, for hours you work in excess of 40 hours per workweek.

Consider the following example: If your job pays \$8 an hour, you work 40 hours in the workweek and your required uniform costs \$10. Your employer could not deduct more than \$8 from your weekly wages, even with your permission, in order to ensure that you earn at least the minimum wage for each hour worked.

Because you would still owe your employer \$2 for the cost of the scrubs, your employer could deduct the \$2 balance from your following workweek's wages as long as by doing so the deduction does not reduce your hourly rate below the applicable minimum wage or impermissibly cut into your overtime wages.

— Compiled by Georgann Yara

Send your questions to
asktheexperts1@gmail.com.