

Uniforms, Tools and Equipment

YOUR LEGAL RIGHTS

1. Can my employer require me to wear a uniform?

Yes. An employer normally has the right to require employees to wear uniforms. California law defines a uniform as any “apparel and accessories of distinctive design and color” which an employee is required to wear.

2. If a uniform is required, do I have to provide it myself?

Usually an employer must provide the uniform. However, if the uniform can be used in other workplaces in the same field, the employer does not have to provide the uniform. For instance, if a salesperson is required to wear a normal dress shirt, then the employee can be forced to pay for the shirt. However, if the company logo is printed on the dress shirt or if that shirt has a distinctive style or color, that shirt cannot be used at another workplace and the employer must provide it.

Exceptions:

- **Waitpersons:** An employer must provide all uniforms to waitpersons unless they are black and white uniforms (that could be worn at another job).
- **“Exempt” Employees:** Employers do not have to provide uniforms for “exempt” employees. Generally, workers who are considered exempt have a fairly high salary (over \$540 per week as of January 1, 2002), and a lot of responsibility and independence within the company. Note, however, that this is only a rough definition of an exempt employee. If you don’t know whether or not you are an exempt employee, see our Fact Sheet titled “**Exemptions from Overtime Pay**” for further information.

3. Who has to pay to take care of my uniform?

Employees are responsible for normal washing and drying of uniforms. If ironing, dry cleaning, or separate laundering is required, the employer must pay for it. Employers must compensate employees for uniform care at the rate of one hour per week at the California minimum wage (\$6.75 as of January 1, 2002) or more, if that amount does not fairly cover the expense of this additional care.

4. Who has to provide and maintain work tools and equipment?

Employers usually must supply and take care of all tools and equipment that are required by the employer or necessary to do the job. However, there are two *limited* exceptions:

Exceptions:

- **#1:** If an employee makes at least twice the California minimum wage and that employee works in a recognized trade or craft (e.g., carpentry or plumbing), the employee may be required to provide and care for all hand (not power) tools and equipment usually necessary for that type of job.
- **#2:** Apprentices and employees of beauty salons, beauty schools that sell beauty products to the public, and barber shops can be required to supply their equipment.

5. Can my employer require a security deposit for my uniform, tools, or equipment?

Normally yes. Employers may require a *reasonable* security deposit, up to the replacement cost of the item. Employees must be supplied a receipt for the deposit and must agree, in writing, to any conditions under which the employer may withhold the deposit. Employers must return the deposit, with interest, upon return of the items. No deductions may be withheld for normal wear and tear.

6. What if I break or do not return something, and I did not supply a security deposit?

An employer normally has to cover the cost of lost or damaged equipment.

In very limited circumstances, an employer may deduct the cost of the missing or broken item from an employee’s paycheck. You can only be charged if your employer can show that you stole equipment or that you intentionally broke company property. (See our Fact Sheet titled “**Deductions from Pay**” for further information about your employer’s right to take money from your paycheck).

7. Who is responsible for tools and equipment stolen from the workplace?

Responsibility for stolen equipment depends on two factors:

- 1) Whether it was practical for the employee to bring the tools and equipment back and forth from home to the workplace each day, and
- 2) Whether the employer required that the tools and equipment be stored at the workplace.

Generally, if an employer requires that tools be stored at work, or it is too difficult to store them at the employee’s home, then the employer is responsible for the stolen items, even if they belonged to the employee.



8. What do I do if my employer tries to illegally charge me for uniforms or equipment?

If your employer forces you to pay for tools or equipment that you should not have paid for and refuses to pay you back, you can file a claim with the California Division of Labor Standards Enforcement (also known as the “Labor Commissioner”). The phone number for the Labor Commissioner can be found in the government section of the phone book or at <http://www.dir.ca.gov/dlse/dlse.html>.

You can also choose to take your employer to court to recover the money.

It is always helpful to keep an accurate record of the money you are forced to pay for uniforms or tools; this information will help you if you decide to file with the Labor Commissioner or in court.

This fact sheet is intended to provide accurate, general information regarding legal rights relating to employment in California. Yet because laws and legal procedures are subject to frequent change and differing interpretations, the Legal Aid Society - Employment Law Center cannot ensure the information in this fact sheet is current nor be responsible for any use to which it is put. Do not rely on this information without consulting an attorney or the appropriate agency about your rights in your particular situation.

For further information about your employment rights, please call:

The Workers’ Rights Clinic

415-864-8208 (SF Bay Area) or **866-864-8208** (Toll Free in CA)

The Workers’ Rights Clinic is a project of The Legal Aid Society - Employment Law Center, a non-profit organization focusing on the employment-related legal rights of low-income workers and providing free legal information on a wide range of employment-related problems.



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