

**UNIFORM ALLOWANCE AND WEARING GUIDELINES**

**1. PURPOSE**

This Directive addresses uniforms, uniform allowances, and wearing guidelines for Marketing and Regulatory Programs (MRP) employees under the Federal Employees Uniform Allowance Act. It covers all MRP employees who are required to wear uniforms. This Directive does not cover Grain Inspection, Packers and Stockyards Administration (GIPSA) employees who are participating in the **GIPSA Clothing and Identity Apparel Program**. A uniform is specified clothing that may include, but is not limited to, shoes, boots, hats, shirts, slacks, skirts, or outerwear that employees are required to wear to provide a distinctive and easily identifiable appearance in performing their jobs.

**2. REPLACEMENT HIGHLIGHTS**

This Directive replaces MRP Directive 4591.2, dated 7/25/00.

**3. AUTHORITIES**

Uniform allowances are dependent upon the approval of the annual Appropriation Bill or a continuing resolution as enacted by Congress. Authorities regulating uniform allowances and the payment of such allowances from user-fees are:

- a. The Federal Employees Uniform Allowance Act (5 U.S.C. 5901-5902, as amended by Public Law (P.L.)).
- b. Title 5, Code of Federal Regulations (CFR) 591, Subpart A - Uniform Allowances.
- c. For **AMS**: Agricultural Marketing Act [AMA] of 1946 (7 U.S.C. 1621-1627); Cotton Statistics and Estimates Act (7 U.S.C. 471-476); Tobacco Inspection Act (7 U.S.C. 511-511q); and Dairy and Tobacco Adjustment Act of 1983 (7 U.S.C. 511r).
- d. For **APHIS**: 21 U.S.C. 136(a) - Food and Drug, Collection of Fees for Inspection Services.

- e. For **GIPSA: SEC.2** Section 203(h) of the AMA of 1946 (7 U.S.C. 1622[h] as amended by P.L. 98-403 [dated August 28, 1984]).
- f. Federal Register Volume 72, Number 80, Final Rule, Allowance and Differentials, 5 CFR Part 591, dated April 26, 2007.

#### **4. POLICY**

- a. If uniforms are required for the performance of official duties, MRP will pay employees an allowance to buy or replace uniforms. Employees must pay for uniforms to be altered, laundered, dry cleaned, and repaired. Programs may:
  - (1) Establish contracts and pay allowances to approved uniform vendors for orders placed by employees,
  - (2) Pay employees directly for purchase or reimbursement of uniform expenses, or
  - (3) Purchase uniforms directly and distribute them to employees.
- b. The uniform allowance may not exceed the current authorized amount of **\$800** per year per employee. This amount may change with annual Congressional approval (see 5 CFR 591 Subpart A for changes, if any).
- c. MRP programs will determine which employees must wear uniforms and what items of clothing will be required. MRP employees who may be required to wear uniforms to perform official duties include:
  - (1) Full-time permanent MRP employees involved in inspections, grading work, wildlife management, and, on a case-by-case basis, those involved in domestic programs.
  - (2) MRP employees not in the full-time permanent category who are in contact with the public and require identification via a uniform, as determined by Programs.
  - (3) Employees who are not required to wear a uniform at their permanent duty station, but are required to wear a uniform at an emergency program project.
- d. Each Program will establish written policies as needed on:
  - (1) The level of management/supervision (or their designee) with the authority to approve the annual uniform allowance,
  - (2) The amount of the annual allowance,

- (3) Eligible employees,
  - (4) Method for purchasing uniforms,
  - (5) Refund policies, and
  - (6) Wearing guidelines.
- e. Each Program will establish written policies and procedures for uniform payments made directly to employees and when contracting is not used. Payments may be made either before or after an employee purchases a uniform(s) but, in either instance, Programs must maintain documentation (receipts, etc.) to support each expenditure.
  - f. The annual uniform allowance period begins with the fiscal year (October 1) or the date an employee first becomes eligible for a uniform allowance, and ends with the fiscal year (September 30).
  - g. Programs with recognized bargaining units are reminded that they must meet their obligations to consult and/or negotiate, as appropriate and required, before changes made by this Directive can become effective for bargaining unit employees.

## **5. USE OF CONTRACTORS OR AUTHORIZATION TO PAY CONTRACTORS**

- a. Administrators, Deputy Administrators, Directors, or their designees are responsible for approving the uniform allowance. Designees can be managers who make other personnel decisions such as hiring, promoting employees, etc. Programs are responsible for maintaining employee information and allowance amounts to the contractor to establish or change employee accounts. If an employee entitlement changes or stops at any time, updated information must be sent in a timely manner to the contractor by the Director or designee.
- b. Emergency programs must authorize and budget for a uniform allowance for employees assigned to an emergency program.
- c. Employees may not place orders from September 15 through the end of the fiscal year, or as negotiated in the contract specifications--whichever is later. This will allow for end-of-year budgetary close out.

## **6. AMOUNT OF ENTITLEMENT**

- a. Employees may not carry over any unused uniform allowance balance from one fiscal year to the next.

- b. An employee newly required to wear a uniform is entitled to the full uniform allowance even if he/she becomes eligible with less than a full fiscal year remaining.
- c. For each period of 90 continuous calendar days in nonpay status, the employee's annual replacement allowance will be discounted for the next full fiscal quarter.
- d. Employees who are not required to wear a uniform, but request authorization will be placed in the uniform system. These employees will bear the entire uniform cost.

## **7. REFUNDING ALLOWANCE**

- a. Initial Allowance. No employee will be asked to refund any portion of a properly made advanced payment for the initial year of uniformed service.
- b. Replacement Allowance.
  - (1) The allowance is allotted annually in advance and may be spent in portions, all at once, or anytime during the year, as prescribed by the Programs.
  - (2) If the entire uniform allowance is allotted in advance and the employee is no longer entitled, a refund may be required if there are whole remaining quarters in the fiscal year.
  - (3) Entitlement ceases upon resignation, retirement, transfer to another department, reassignment to a position that does not require a uniform, and other similar separations. The employee will be asked to refund the difference between the appropriate allowance entitlement and the actual amount spent.
  - (4) Refunds will be figured on a quarterly basis only. MRP programs will provide advanced written notice to the affected employee with the opportunity to repay the difference by means of personal check, money order, salary deduction, or deduction from other funds due the employee. The employee also may be requested to return all uniforms paid for with agency funds.

## **8. UNIFORM GUIDELINES**

MRP programs that require employees to wear uniforms will:

- a. Specify the type of uniform to be worn;
- b. Specify how the uniform is to be purchased;

- c. Specify when a uniform must be worn;
- d. Specify required uniform items that will **not** be reimbursed by the agency (i.e., socks, gloves, belts, caps, hosiery); and
- e. Ensure that supervisors and employees are aware of the responsibility to properly wear and replace uniforms to maintain the professional image of the agency. Bargaining unit employees may choose to request bargaining over the specifics of wearing non-uniform apparel.

## 9. INQUIRIES

- a. General inquiries on procedural matters should be directed to program administrative personnel using established administrative channels or to the servicing personnel office. Requests for policy interpretations for complex issues should be referred to the Pay, Leave, and Tours of Duty Specialist, **Employment, Classification, and Compensation Policy Branch**, MRP Human Resources (MRPHR).
- b. This Directive is available on the MRPHR home page at <http://www.aphis.usda.gov/mrpbs/hr/index.shtml> the APHIS Library at <http://www.aphis.usda.gov/library>, the AMS Issuances home page at [www.ams.usda.gov/issuances](http://www.ams.usda.gov/issuances), and the GIPSA Directives and Notices page at [www.gipsa.usda.gov](http://www.gipsa.usda.gov)

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William J. Hudnall  
Deputy Administrator  
MRP Business Services