

Casual Clothing Issued to Police and Fire Fighters

Cross References

- Department of the Treasury, Memorandum for Federal, State and Local Government Employees, June 15, 2015

Under Revenue Ruling 70-474, uniforms for police officers and firefighters are deductible if they are:

- 1) Specifically required as a condition of employment, and
- 2) They are not suitable for ordinary wear.

Whether or not a uniform is suitable for ordinary wear is based on the facts of and circumstances of the particular situation. One example illustrating this rule is uniforms for members of the armed services. Regulation section 1.262-1(b)(8) states that members of the armed services may deduct expenses for uniforms that they are permitted to wear only while on-duty. In contrast, they may not deduct the costs of military uniforms that may be worn during civilian activity.

A recent memorandum issued by the Treasury Department discussed the tax treatment of casual items of clothing issued as uniforms to police officers and firefighters. State and local police and fire departments may distribute polo shirts, or similar casual clothing items, such as baseball caps, to their employees to wear as uniforms while on-duty. These clothes bear the insignias of the issuing departments, but otherwise are ordinary items of clothing.

State and local governments may have a public safety interest in issuing this type of clothing as uniforms to their employees. They can help members of the public readily identify police officers and firefighters who are on-duty, and also discourage the impersonation of bona fide police officers and firefighters. As a result, a policy prohibiting off-duty police officers and firefighters from wearing their designated uniforms as casual wear protects important governmental and public safety interests. If the police or fire department prohibits off-duty wear, then the clothes are not suitable for ordinary wear under Revenue Ruling 70-474.

Likewise, a similar rule applies to fringe benefits. If the employer provides this type of clothing to its employee, the employer treats the costs of the clothing as excluded from employee wages provided the following is true:

- The employer requires the police officers and firefighters to wear the clothing as a condition of their employment, and
- The employer restricts the police officers and firefighters from wearing the clothing while off-duty, even if it is casual, as in the case of a polo shirt bearing official insignia.