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ARIZONA ATTORNEY GENERAL

November 8, 1962
Letter Opinion No. 62-117-L
R-344

REQUESTED BY: Mr. Tom Houlihan, Director
State Labor Department

OPINION BY: ROBERT W. PICKRELL
The Attorney General

QUESTION: Does A.R.S. §23-203 prohibit an employer from making it mandatory for certain employees in his establishment to purchase uniforms from one particular retail establishment?

CONCLUSION: Yes.

The statute to which your question refers, provides as follows:

"A.R.S. §23-203. Compulsion or coercion of employee or another to buy from a particular person; penalty.

A person who compels, or in any manner seeks to compel or coerce any employee or any person to purchase goods or supplies from any particular person shall be punished by a fine of not less than five hundred dollars, or by imprisonment in the county jail for not more than six months."

From the report of Mr. O. E. Eagleton, Investigator, further facts appear to be that:

"The first order for uniforms for the waitresses was placed by Management requisition. . . to be paid for by the personnel. From then on as they are needed the waitresses buy the uniforms at the request of management as specified."

We understand that the management, specifically referred to in your question, makes it a condition of employment that new uniforms be bought at "Vera's Uniforms."

Mr. Tom Houlihan, Director
State Labor Department

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This statute has been construed in an Arizona case upon the question of whether or not the prohibition extended to "lunches". Though the statute here was inapplicable to the facts of the cited case (infra), the Supreme Court of the State of Arizona interpreted the statute, in its provision prohibiting the requirement of the purchase of "goods and supplies", as including "food." The word, "goods" has been defined, for particular statutory provisions, in a series of sections of the Arizona Revised Statutes:

Vaughn vs. State, (1929), 36 Ariz. 32, 282 P.277.

These provisions indicate that the word "goods", means "wares and merchandise," or words to that effect.

A.R.S. §§44-276(10); 44-301(4); 44-653(5); 44-821(4)

It is the opinion of this office that the legislative intent was to extend the prohibition of A.R.S. §23-203 to uniforms, trousers, blouses, and wearing apparel of waitresses. The answer to the question, therefore, is in the affirmative.

Robert W. Pickrell
ROBERT W. PICKRELL
The Attorney General *by wce*

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