

STAFF TRAINING TIME MUST BE COMPENSATED

Employees must be paid for the time spent in training that is directly related to their jobs. Training is considered directly related if it is designed to help the employee handle his or her job more effectively. Training time is different from the type of work employees normally perform on the job (29 CFR 785.29). It therefore can be compensated at a lower rate of pay, as long as the pay is equal to the minimum wage—including overtime when the employee exceeds 40 hours of total work (including the training) in the workweek.

Federal wage and hour rules state that attendance at lectures, meetings, training programs and similar types of activities need not be counted as work time only if the four following criteria are met:

1. Attendance is outside of the employee's regular working hours;
2. Attendance is voluntary;
3. The course, lecture or meeting is not directly related to the employee's job; and
4. The employee does not perform any productive work while attending.

If the attendance is required by the employer it is, of course, not voluntary. Nor is it considered voluntary if the employee is led to believe that present working conditions or the continuation of employment would be adversely affected by nonattendance (29 CFR 785.28). Federal regulations pertaining to training time have not been changed since 1965.

Training that is designed for the bona fide purpose of preparing an employee for advancement to a job that requires a higher skill, and is not intended to make the employee more efficient in the present job, may be considered not "directly related" even though the course incidentally improves the employee's skill in doing his or her regular work.

The example used by the U.S. Department of Labor in describing training that would not require compensation is of a secretary who takes a course in bookkeeping given by or under the auspices of his or her employer. Time spent voluntarily taking the bookkeeping course outside of regular working hours need not be counted as hours worked if the employee does not have responsibility for bookkeeping at the present job.

Time employees spend on their own initiative attending an independent school, college or training program after hours is *not* considered hours worked for the employer even if the courses are related to their jobs.

State-mandated training need not be compensated

In one opinion letter, DOL has stated that ambulance service paramedics do not have to be compensated for time spent in a State-mandated training program on the theory that the "voluntariness" requirement set out in section 785.27(b) is met where the State rather than the employer imposes the training requirement. That opinion letter also notes that the State-required training in question is of general applicability, and not tailored to meet the particular needs of individual employers.

In a more recent opinion letter, DOL has indicated that employees in the human service field who are required by the State to take a certain number of approved courses each year need not, under all