

When do employers have to pay employees for training time?

Q. Occasionally, we offer in-house training and development programs for our employees. These programs are strictly voluntary and are not conducted during normal working hours. Our company has never paid employees for the time spent attending such training. Is this legal?

A. Deciding whether training programs constitute “working time” has always been a troublesome issue for employers. For the most part, attendance at lectures, meetings, training programs and similar activities is compensable working time—

unless the activity meets all four of the following criteria:

1. Attendance is outside of regular working hours.
2. Attendance is voluntary.
3. The course, lecture or meeting is not directly related to the employee’s job.
4. The employee does not perform any productive work during this time.

Therefore, even if the employee attends the training on a purely voluntary basis (i.e., he or she is not expected to attend) and the training is offered after working hours, you must compensate for the time employees spend attending training designed to make them more effective in their jobs.

On the other hand, if the training teaches employees new skills not directly related to their jobs (such as preparing them to advance to more skilled positions), then the time is not deemed compensable.