

# FLSA doesn't require pay for optional training that prepares for advancement

The Fair Labor Standards Act (FLSA) requires employers to compensate employees for any time spent on the job that benefits the employer. There are, however, some exceptions.

For example, if employees use their own time to study materials that will qualify them for promotions, that time generally doesn't have to be paid. To meet the exception, the training must be outside regular working hours, be voluntary, not be directly related to the employee's current job and not include any productive work.

**Recent case:** Former employees sued a Burger King franchise, alleging they had not been paid for time they spent preparing for possible promotions.

The company required employees who wanted to pursue promotions to participate in a self-directed learning program. They completed workbooks, read and watched videos that explained higher-level jobs. No one was required to learn the material, and all self-learning materials had to stay in the restaurant.

The court dismissed their payment claims, citing FLSA regulations on paid training. Because the training was voluntary, happened outside employee working hours, wasn't directly related to their current jobs and didn't involve any actual work, the time spent learning the material was not paid time. (*Seever, et al., v. Carrols Corporation*, No. 02-CV-6580L, WD NY, 2007)

**Final note:** The case would have turned out differently if the training actually had involved tasks such as washing the floors or cleaning the equipment. That would be off-the-clock work.