

FLSA-439

September 9, 1970

This is in reply to your letter of June 23, 1970, requesting an opinion on the application of the Fair Labor Standards Act to a particular employee training program.

The training program is designed to teach telephone operators certain typing skills which it is necessary for them to acquire due to a change to computers. Those telephone operators who do not acquire typing skills will not retain employment with the company. The employer will teach typing to the operators during working hours and pay them for such classroom training. In order to obtain proficiency in typing it will also be necessary for these operators to practice typing at home. You wish to know whether the employer is required under the Act to pay for such typing practice at home.

Sections 785.27 through 785.33 of Interpretative Bulletin, Part 785 discuss the subject of training programs as hours worked under the Act. Attendance at training programs need not be counted as working time if the four criteria listed in section 785.27 are met. The employee's participation in the program, both with respect to classroom work and typing practice at home, is not voluntary under the requirements discussed in sections 785.27 and 785.28 if her attendance is required for the continuance of her employment and if such typing practice at home is necessary to qualify under the program. In such a case the time spent in classroom training as well as the time devoted to typing practice at home would be considered as compensable hours of work which the employer may not disregard in determining the employee's compensation.

The time spent in typing practice at home would not be compensable hours of work if time is allotted for practice during regular working hours in the classroom but some employees voluntarily practice at home on their own to bolster their ability.

Sincerely,

Robert D. Moran
Administrator