

## **FLSA-502**

April 20, 1972

This is in reply to your letters of March 15 and March 20, 1972, requesting our opinion as to whether or not the \*\*\* is required under the Fair Labor Standards Act to compensate employees for time spent in classroom instruction which is part of a formal training program.

The following information on the program is found in your letter and enclosures. Employees in this program generally spend four hours per day, five days per week receiving classroom instruction. The program is normally of two years duration. The training is conducted in a building separate from the company's production facilities and no productive work is done during the training time. Training is available only to company employees but the program is not mandatory either for new hires or for any employee to retain employment. Basically, the courses taught are International Correspondence School standardized curriculum material. In addition to four hours of class time, which the employer does not regard as hours worked and for which no compensation is paid, the trainees also work in the employer's plant at wages which are above the Act's minimum. During the third or optional year of the programs, the student is considered a full-time employee and as such is paid full-time wages. Therefore, the question discussed in this letter concerns only the first two years of the program.

The pertinent interpretations concerning such training programs are found in 29 CFR 785.27 through 785.32. An employer may establish for the benefit of his employees a program of instruction which corresponds to courses offered by independent bona fide institutions of learning. As noted in §785.31, "voluntary attendance by an employee at such courses outside of working hours would not be hours worked even if they are directly related to his job, or paid for by the employer". Time spent in such a training program is not considered as hours worked where no productive work is performed during the training period.

We would regard the four hours per day during which the trainees are actually working on production as their "working hours". Time spent in classroom training is thus outside their "working hours" and would not be considered hours worked under this section.

Sincerely,

Horace E. Menasco  
Deputy Assistant Secretary