

U. S. DEPARTMENT OF LABOR  
Wage and Hour Division  
Washington

"HOURS WORKED" ASPECT OF ATTENDANCE AT MEETINGS AND LECTURES

The fact that an employer pays the tuition for courses taken by his employees after working hours will not in itself make him liable under the Fair Labor Standards Act to pay for the time so spent, according to an opinion issued today by George A. McNulty, General Counsel, Wage and Hour Division, U. S. Department of Labor.

This explanation was contained in a letter made public by Mr. McNulty on the subject of attendance at lectures or time spent in studying correspondence courses given by a public school, university or other institution of learning, after working hours. Mr. McNulty advised that time voluntarily spent in this manner on courses given by a school or university as part of a standard curriculum will not be considered as "hours worked" even if the employer pays the necessary tuition.

The letter first reviewed Paragraph 15 of Interpretative Bulletin No. 13, issued by the Wage and Hour Division, which discusses the problem of meetings and lectures in connection with hours for which employees are entitled to compensation under the Act. Mr. McNulty pointed out that "This paragraph provides that time spent in attending meetings or lectures shall be considered hours worked (1) if attendance is not voluntary, or (2) if the meeting or lecture is directly 'related to the employee's work.'"

The letter continues:

"The criterion of whether a meeting or lecture is directly 'related to the employee's work' is intended primarily to preclude circumvention of the test of whether attendance is voluntary. We wanted to make clear that a notice posted by an employer, 'ATTENDANCE IS VOLUNTARY,' would not necessarily constitute an effective guaranty that time spent by employees in attending the meeting or lecture need not be considered hours worked. As pointed out in the illustration in paragraph 15, an employee who is taught the use of new types of machinery on his job is entitled to compensation under the Act for time spent in attending meetings and lectures in order to learn the new technique and the employer may not evade such payments by informing his employees that they can attend or not as they please.

"The principal difficulty with respect to paragraph 15 seems to arise in determining in individual cases whether a particular meeting or lecture is directly 'related to the employee's work.' The answer to this question depends, of course, upon the facts in the case and no hard and fast rule will provide the solution in every case. Generally speaking, a meeting or lecture will not be considered directly 'related to the employee's work' unless such meeting or lecture may reasonably be considered part of his job. Application of this test should be guided by a rule of reason and, obviously, voluntary attendance at a picnic or to participate in an athletic contest would not be considered directly 'related to the employee's work' within the meaning of paragraph 15. On the other hand, there may be meetings having a direct and proximate relation to the employee's particular job which may well be considered 'hours worked.' The question is one of degree and we do not ordinarily have a sufficient knowledge of the facts to express opinions in particular cases.

"In some cases employees attend public schools or take regular courses in a recognized university or other institution of learning. The courses given are part of a standard curriculum and are not designed solely to accommodate the requirements of any particular plant. Thus, for example, a teller in a bank may take a university course on the financial policy of corporations, or a mechanic in a factory might take a course in draftsmanship or physics. In these cases the subject matter of the course impinges on the general subject matter of the employee's job and makes him more versatile and better qualified to assume additional responsibility. The instruction, however, has no necessary and immediate relation to the particular work done by the employees and he does not, of course, engage in any productive work during time spent taking the course. In our opinion time spent by employees after regular working hours in attending lectures at, or in studying correspondence courses given by a public school, university, or other institution of learning (even if the employer pays the necessary tuition) will not be considered directly 'related to the employee's work' within the meaning of paragraph 15 and, if attendance is voluntary, will not be considered as 'hours worked.'"

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