

JUN 21 1995

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Dear _____

This is in response to your letter to Secretary of Labor Robert B. Reich concerning the application of the Fair Labor Standards Act (FLSA) to the City of _____ training program. The copy of the program was not received with your inquiry. We trust that the following discussion regarding time spent by employees in attending meetings, lectures or training will be of assistance.

The Wage and Hour Division of the Department of Labor administers and enforces the FLSA, the Federal law of most general application concerning wages and hours of work. This law requires that all covered and nonexempt employees be paid a minimum wage of \$4.25 an hour and not less than one and one-half times their regular rates of pay for all hours worked over 40 in a workweek. The FLSA is discussed in more detail in the enclosed "Handy Reference Guide to the Fair Labor Standards Act."

Time spent by employees in attending meetings, lectures or training courses may be excluded from the hours of work which are compensable under the FLSA, provided all four of the following criteria are met; (1) attendance is outside the employees' regular working hours; (2) attendance is in fact voluntary; (3) the meeting, lecture or course is not directly related to the employees' job; (4) The employees do not perform any productive work during such attendance. These criteria are more fully explained in sections 785.27 through 785.31 of the enclosed Interpretative Bulletin, Part 785, on Hours Worked.

You will note that under section 785.31 voluntary attendance by employees at certain lectures, training sessions and courses of instruction may not be regarded as hours worked even if such courses are directly related to their jobs or paid for by their employers, provided that attendance at these courses is outside the employees' working hours.

If after reading the enclosed material you have additional questions concerning the application of the FLSA, you may wish to contact the Richmond Wage and Hour District Office located in the 700 Center, 700 East Franklin Street, Suite 560, Richmond, Virginia 23219, telephone (804) 771-2995.

We trust that the above information is responsive to your inquiry.

Sincerely,

Daniel F. Sweeney
Deputy Assistant Administrator

Enclosure