



Meetings, Lectures & Training Programs

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](http://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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Reference Number: MTAS-941

The regulations (29 C.F.R. § 785.27) identify when an employee's time spent in training programs, lectures or meetings is compensable. The time cannot be counted as working time if **all** the following four criteria are met:

1. Attendance occur outside the employee's regular working hours;
2. Attendance is in fact be voluntary;
3. The employee does no productive work while attending; and
4. The program, lecture, or meeting does not directly related to the employee's job.

"Attendance is not voluntary if it is required by the employer. It is also not voluntary if the employee is led to understand or believe that his/her present working conditions or the continuance of his/her employment would be adversely affected by nonattendance." 29 C.F.R. § 785.28.

29 C.F.R. § 785.29 establishes "that training is directly related to the employee's job if it is designed to make the employee handle his/her job more effectively, as distinguished from training the employee for another job, or to a new job or additional skills." Where a training course is instituted for the bona fide purpose of preparing for advancement through upgrading the employee to a higher skill, and is not intended to make the employee more efficient in his present job, the training is not considered directly related to the employee's job even though the course incidentally improves the employee's skill in doing regular work. "Attending an independent trade school or pursuing a correspondence course outside regular working hours is not compensable work, regardless of whether it is job related. Taking courses in a public school or training in a government sponsored on-the-job training program is also not compensable." *Price v. Tampa Electric Co.*, 806 F.2nd. 1551 (1987); 29 C.F.R. § 785.30.

DOL regulations make clear, however, that "attendance at a bona fide fire or police academy or other training facility, when required by the employing agency, constitutes engagement in law enforcement or fire protection activities" as outlined in 29 C.F.R. § 553.226(c). Therefore, basic and advanced training are considered part of the employee's law enforcement or fire protection activities. Time spent in actual training constitutes compensable hours of work. Time spent studying or in other personal pursuits is not compensable even if the employee is confined to campus or to barracks 24 hours a day. (Wage and Hour Opinion, February 5, 1990) "Police officers and firefighters who attend a police or fire academy or other training facility are not considered to be on duty during the time they are not in class or training, as long as they are free to use such time for personal pursuits." 29 C.F.R. § 553.226(c). Moreover, re-certification training of paramedics that is state mandated and outside the regular working hours also is non-compensable (Wage and Hour Opinion, February 5, 1990).

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Source URL (retrieved on 10/16/2019 - 4:34pm): <http://www.mtas.tennessee.edu/reference/meetings-lectures-training-programs>



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