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PAY FOR ON-LINE TRAINING

Bankers are familiar with the rule that non-exempt employees must be paid for time spent in training where the training is mandatory and directly related to the work performed. However, new training technology, including on-line computer-based training that may be performed in the employee's home, poses some interesting timekeeping issues. A recent Opinion Letter from the U.S. Department of Labor's Wage and Hour Division (FLSA2008-2NA) gives some guidance.

The employer who is the subject of this Opinion Letter requires employees doing on-line training at home to keep accurate records of all time spent on a time sheet, which must be signed by the employee's manager. The time sheet requires information on the type of training, completion date, and start and end times. Training at home is only permitted with prior approval of the employee's manager. The DOL opined that this timekeeping policy was an acceptable method of tracking compensable hours worked.

Practice Pointers:

- Pay non-exempt employees for time spent in training, regardless of whether it is in the classroom, on-line, or on- or off-premises.
- Use a time sheet that captures the type of training, as well as the date, and start and end times
- Require the employee to sign the time sheet, attesting to its accuracy
- The plan to do training on-line or at home should be pre-approved by the employee's manager, and the time spent should be carefully monitored by the manager
- Check with your workers' comp. carrier about coverage of injuries to the employee while training (or working) at home