



WHD-OL-1993

March 19, 1993

**Dear Name\***

This is in reply to your inquiry concerning whether time spent by a police officer during off-duty hours attending an interview for a potential career development reassignment is compensable under the Fair Labor Standards Act (FLSA).

As you were previously advised, attendance at lectures, meetings, training programs and similar activities are not compensable under the FLSA if all four of the conditions described in 29 CFR 785.27 are met. Under the facts described in your letter of February 26, 1993, clearly (a) and (d) are met. Further, the program is voluntary in nature and there is nothing in your submission which indicates that the officer's failure to participate would adversely affect his present working conditions or the continuance of his employment by the City. Thus, we conclude that condition (b) is met. See 29 CFR 785.28. Since the purpose of the program is career development in another skill (i.e., traffic control and motorcycle training) rather than to enhance the officer's performance in his present job, we conclude that the condition (c) is also met. See the last sentence of 29 CFR 785.29. Consequently, we conclude that the time spent in attending the career development interview by the officer during off-duty hours is noncompensable under the FLSA.

We trust that the above is responsive to your inquiry.

Sincerely,

Daniel F. Sweeney  
Deputy Assistant Administrator

\*Note: The actual name(s) was removed to protect privacy in accordance with 5 U.S.C. § 552(b)(7).