



WHD-OL-1993-0005

June 29, 1993

Dear **Name***

This is in further response to your inquiry concerning the application of the Fair Labor Standards Act (FLSA) to certain state-mandated college credits required for law enforcement officers.

You state that _____ law now requires that law enforcement officers possess either a 2-year associate degree from an accredited college or a minimum of 60 fully accredited college level credits. No particular course work is prescribed and the credits may be in any area of study. The question presented is whether the time spent by police officers in obtaining the credits is compensable under the FLSA.

The compensability of education/training programs and related issues is discussed in 29 CFR 785.27 through 785.32. Attendance at training programs is not compensable if all four conditions described in 29 CFR 785.27 are met. Under the facts described in your letter, we conclude that (c) and (d) are met. Presumably, officers not having the required credits would obtain them during off-duty hours, thus meeting requirement (a).

As indicate in the opinion letter of October 30, 1980, to which you refer, the reason why attendance by an employee is not voluntary [criterion (b)] must be examined. We have concluded that in situations where the State has mandated training that is of general applicability, the FLSA does not require compensation by the employer for time spent in such training. Clearly, 60 college credits or an AA degree in any field is not training tailored to meet the needs of individual employers.

We trust that the above is responsive to your inquiry.

Sincerely,

Charles E. Pugh
Acting Administrator

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