



*State of North Carolina
Department of Public Safety
Prisons*

Chapter: K
Section: .0200
Title: **Training Leave**
Issue Date: 04/08/19
Supersedes: 11/24/03

POLICY & PROCEDURES

.0201 GENERAL

It is the policy of the **Prisons** to provide appropriate opportunity for its employees to develop their knowledge and skills so that they might become more proficient in the performance of the duties of their current jobs and better qualified to advance to more responsible positions.

.0202 TRAINING TIME AS WORK TIME

Providing adequate time for employees to participate in training and staff development opportunities must be consistent with the requirements and guidelines of the Department of Labor's Fair Labor Standards Act, the Hours of Work and Overtime policies of the Office of State Personnel and the **Department of Public Safety**.

(a) Mandatory or Required Training

- (1) Mandatory or required training is that training which is mandated by statute (i.e. Equal Employment Opportunity Institute), or administrative code (i.e. Correctional Officer Basic Training), or required by the **Prisons** to maintain proficiency, to correct a deficiency documented in the employee's performance appraisal, or as a result of disciplinary action.
- (2) Training which is approved by the Office of Staff Development and Training for training credit and conducted or sponsored by any division of the **Department of Public Safety** or any section of the **Prisons** is considered required training.
- (3) An employee's attendance at mandatory or required training sessions, workshops, seminars, etc., whether before, during or after the employee's regular work schedule (including regularly scheduled days off), is work time. A bona fide meal period is not counted as work time.
- (4) **Travel time to and from mandatory or required training sessions, workshops, seminars, etc., is counted as work time.**

(b) Voluntary Training During Regularly Scheduled Work Hours

- (1) Voluntary training is that training which is not mandated by statute or administrative code nor required by the **Department of Public Safety** or **Prisons**. Voluntary training is requested by the employee and may be approved by **Prisons**.

- (2) Travel time to and from pre-approved voluntary training sessions, workshops, seminars, etc. **is not counted as work time.**

(c) Voluntary Training Outside Regularly Scheduled Work Hours

- (1) Consistent with the rules of the Fair Labor Standards Act, employee participation in training is **not** considered work time if:

- (A) the training is outside the employee’s regularly scheduled work hours; **and**
- (B) the employee’s participation in the training is voluntary (not required by **Prisons**); **and**
- (C) the content or purpose of the training is not **directly** related to the employee’s current job; **and**
- (D) no productive work is being performed relative to the employee’s job responsibilities.

- (2) If these four requirements are present, training outside the employee’s regularly scheduled work hours is not work time.

- (3) If all of the four requirements are not met, the employee’s participation in the pre-approved training is considered as work time and the employee should be compensated as follows:

- (A) Employees Subject to Fair Labor Standards Act - Employees subject to the overtime provisions of the Fair Labor Standards Act should be compensated by either compensatory time off or payment of overtime consistent with current **Department of Public Safety** Personnel Policy.
- (B) Employees Exempt from Fair Labor Standards Act - Employees exempt from the overtime provisions of the Fair Labor Standards Act may be compensated by compensatory time off consistent with current **Department of Public Safety** Personnel Policy.

- (4) Managers should be consistent in the allowance of compensatory time off for employees’ participation in voluntary training activities.



04/08/19

Director of Prisons
K.0200_04_08_19

Date