



U.S. Department of Labor
Employment Standards Administration
Wage and Hour Division
Washington, D.C. 20210

FLSA2008-2NA

February 14, 2008

Dear **Name***:

This is in response to your request for an opinion concerning the applicability of the timekeeping requirements of the Fair Labor Standards Act (FLSA) to on-line computer-based training performed in an employee's home. It is our opinion that the policy you describe complies with the FLSA.

The policy your employer is considering adopting states:

[Nonexempt e]mployees performing on-line [training at] home are responsible for keeping accurate records of all time spent performing on-line [training]. The [time sheet] must be used, signed by the employee's manager and turned into the department time editor, in order for the employee to be compensated for their time. It is important to note that failure of an employee to accurately record time for on-line [training amounts to] falsification of payroll records

The proposed time sheet you provide requires such information as the type of training taken, completion date, start and end times, and the employee's and manager's signatures. Employees will be permitted to take the training at home only with the prior approval of their manager, who will monitor the amount of time they spend on the training. You ask us to assume that the time spent training on-line at home is compensable hours worked under the FLSA because the training is mandatory and directly related to the employees' work.

You ask whether the timekeeping policy above is "an acceptable method of capturing the time an employee spends training at home." Also, you ask whether the employer is responsible for worker's compensation if the employee is injured while performing the on-line training at home.

Employers are obligated to pay for all hours employees are suffered or permitted to work, including work done at home, if "the employer knows or has reason to believe that the work is being performed." 29 C.F.R. § 785.12.¹ The FLSA regulations

¹ Unless otherwise noted, any statutes, regulations, opinion letters, or other interpretive material cited in this letter can be found at www.wagehour.dol.gov.

require an employer to maintain accurate records of “[h]ours worked each workday.” 29 C.F.R. § 516.2(a)(7). No particular method of keeping required records is prescribed, provided that the relevant information is maintained and preserved. *See* 29 C.F.R. § 516.1. The timekeeping policy you describe complies with § 516.2(a)(7) because the total hours worked each workday can be derived from the start and end times noted on the timesheet. Therefore, it is our opinion that the employer’s timekeeping policy provides an acceptable method of capturing the employee’s hours worked.

You also ask whether the employer would be liable under worker’s compensation laws for employees who are injured while working at home. The Wage and Hour Division does not have jurisdiction over such issues. Therefore, we recommend that you contact your worker’s compensation insurance carrier or the state worker’s compensation office for assistance.

This opinion is based exclusively on the facts and circumstances described in your request and is given based on your representation, express or implied, that you have provided a full and fair description of all the facts and circumstances that would be pertinent to our consideration of the question presented. Existence of any other factual or historical background not contained in your letter might require a conclusion different from the one expressed herein. You have represented that this opinion is not sought by a party to pending private litigation concerning the issues addressed herein. You have also represented that this opinion is not sought in connection with an investigation or litigation between a client or firm and the Wage and Hour Division or the Department of Labor.

We trust that this letter is responsive to your inquiry.

Sincerely,

Monty Navarro
Fair Labor Standards Team
Office of Enforcement Policy

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