

## Paying Overtime when Attending Training

<b>Nonexempt Employees</b>	<p><b>(1)</b> We may pay overtime for employees for time spent in training, or preparing for training, outside regular working hours if:</p> <p><b>(a)</b> The supervisor directs the employee to participate in training. This means that the supervisor determines that the employee must attend the training, and the employee's performance or continued retention in his/her current position will be adversely affected if he/she doesn't attend the training. The training must be required to bring the employee's performance up to a fully successful or equivalent level, or provide knowledge or skills to perform new duties and responsibilities in the employee's current position. The fact that the Service pays for all or part of the expenses of training does not mean the employee is entitled to overtime hours of work unless the supervisor directs participation in the training; and</p> <p><b>(b)</b> The purpose of training is to improve the employee's performance of the duties and responsibilities of his/her current position. This is not the same as upward mobility training or developmental training that provides employees with the knowledge or skills needed for a subsequent position in the same career field.</p> <p><b>(2)</b> We consider time that an employee performs work for the Service during a period of training as hours of work.</p> <p><b>(3)</b> We will pay employees overtime when attending a lecture, meeting, or conference outside their regular working hours if:</p> <p><b>(a)</b> Their supervisor directs them to attend the event, or</p> <p><b>(b)</b> They perform work for the Service during their attendance.</p> <p><b>(4)</b> We will not pay employees overtime for time spent in apprenticeship or other entry level training, internship or other career-related work study training, or training under the Veterans Recruitment Act.</p>
<b>Exempt Employees</b>	<p>We do not pay overtime for exempt employees for training, except in the following situations:</p> <p><b>(1)</b> An employee who attends training during a period of duty for which he or she is already receiving premium pay for overtime, night, holiday, or Sunday work continues to receive that premium pay. This exception does not apply to an employee who is assigned to full-time training at institutions of higher learning.</p> <p><b>(2)</b> An employee who attends training at night because situations that he/she must learn to handle occur only at night receives the applicable premium pay.</p> <p><b>(3)</b> If an employee receives training on overtime, on a holiday, or on a Sunday because the costs of the training, premium pay included, are less than the costs of the same training confined to regular work hours, we may pay the employee premium pay.</p> <p><b>(4)</b> A criminal investigator who receives availability pay continues to receive availability pay during Service-approved training. If an investigator does not receive availability pay during periods of initial, basic training, he or she may receive premium pay.</p> <p><b>(5)</b> A supervisor may continue to pay annual premium pay for regularly scheduled standby duty or administratively uncontrollable overtime work during periods of temporary assignment for training.</p>