

Manager Fact Sheet: Training

September 2012

Introduction:

This fact sheet provides guidance to executive branch managers and HR professionals in managing employee education and training.

Agencies may provide employees access to training and development opportunities. These opportunities are provided within budget constraints when such training: 1) is within the scope of an employee's job duties, 2) would prepare an employee to advance or enhance performance in the employee's present job, or 3) is required as part of a corrective action plan.

The word **training** is used as a general term throughout this fact sheet and includes education, conferences, conventions, workshops and seminars.

We encourage managers to work with their HR staff in managing their employee training. Below are answers to some frequently-asked questions.

1. When does the agency pay for training?

It depends on whether the training is required by the agency or requested by the employee.

According to the Fair Labor Standards Act, 29 C.F.R. 785.27, if the following four criteria are met, the training is NOT counted as working time:

1. Attendance is outside of the employee's regular working hours;
2. Attendance is in fact voluntary;
3. The course, lecture, or meeting is not directly related to the employee's job; and
4. The employee does not perform any productive work during such attendance.

2. What costs does the agency cover?

If an **agency requires** the employee to attend training, the agency pays including overtime or compensatory time if necessary. The agency must also pay all costs of attendance. That includes tuition, fees, cost of related materials, mileage, and per diem (if attendance requires travel and meets the requirements for reimbursement).

When an **employee requests training** that is work related, it is up to the agency to decide what, if anything, they will cover. See question four below for additional guidance.

An employee who obtains training on her own initiative, outside of normal working hours, is not compensable even if the training is directly job-related. Training is not job related if its sole purpose is for the employee's career advancement. This applies even if the training incidentally improves the skills the employee needs to perform their current job.

3. How does a manager decide if an employee should attend training?

The manager should conduct a costs-benefit analysis. The manager should weigh all costs to the agency against the real and perceived benefits of training.

Costs include lost productivity, wages paid while attending training, accrual of compensatory time or overtime, cost of hiring a temporary replacement, and potential future inequities if some similarly situated employees do not receive training.

Tangible **benefits** to the agency might be enhanced employee performance, greater contribution to

agency goals, cost savings gained by performing some work in-house rather than hiring an outside contractor, and retention of a valued employee. Intangible benefits include improved employee potential career advancement.

The manager must also consider what training is available and at what cost. The manager should work with the employee to determine the exact training need and then try to find the training that best fits this need.

Look at in-house resources first. The Professional Development Center and courses offered through State Information Technology Services Division are good places to start. The State Human Resources Division and State Accounting Division offer training on how to use the Statewide Accounting Budgeting Human Resources System, also known as SABHRS.

4. How does a manager decide what to contribute toward the cost of training when the training is requested by the employee, but not required by the agency?

Managers are not obligated to pay for training that is not required by the agency, even when that training is directly job related. If an employee requests training that is not required by the agency, the manager and the employee may negotiate what the agency will pay for and what time off work will be given. See the [Montana State Travel Policy](#) for information on payment of travel expenses. However, also note § 2-18-512, MCA precludes payment for travelling or any other expenses to attend any convention, meeting, or gathering of public officers unless necessary by virtue of the office or employment.

The manager may elect to pay part of the cost; grant partially paid leave or some combination of time off, per diem, travel expenses, and costs; or pay none of the costs. A manager may decide to give the employee a small stipend, independent of

salary, to cover some costs or to subsidize the employee's living expenses while attending training.

The manager may agree to a flexible work schedule which allows an employee to attend a class scheduled during normal working hours. The manager also may consider requests for reduced work schedules or job sharing to allow an employee to pursue educational opportunities.

Costs paid by the agency should be commensurate to the expected benefit to the agency and within agency budget restraints. The manager should conduct a cost-benefit analysis, as described in question three, to help determine what costs, if any, will be paid by the agency.

5. Can an agency recover the cost of training?

Yes. Agency management has sole discretion in deciding what training to pay for and under what circumstances. Before paying for or approving leave to pursue an extended course of study, the manager should seriously consider entering into a written agreement with the employee that guarantees the employee will work for the agency for a specified period of time or pay back the cost. The agreement should specify how the money is to be recovered.

Another option is to reimburse gradually, such as paying one-third of the cost upon successful completion of the course, one-third after six months of satisfactory continued employment, and the final one-third after one year of satisfactory continued employment.

Regardless of what approach is used, the manager must consistently administer the agency's training policy.

6. Does the agency pay for continuing education courses required as a condition of professional certification if that certification is a condition of employment?

No, unless the training is specifically related to the needs of the agency. For instance, a nurse taking general classes on topics like new IV techniques as a condition of continued licensure does not have to be reimbursed for time or cost. However, if the nurse is taking a class on administering IVs to geriatric patients, and that training is tailored to the agency's needs, then the nurse must be reimbursed.

7. If an employee takes leave without pay to attend training, what happens to the employee's annual and sick leave accruals? Does the agency continue to pay the state share of the insurance premium?

No. The employee does not accrue annual or sick leave, or holiday pay benefits. See our [Leave of Absence Without Pay Policy](#).

8. Are seminars or brown-bag sessions put on by state agencies compensable?

No, with one exception. Such courses are not compensable unless the employer makes attendance mandatory.

The one exception is found in the [Paid Time for Health Care and Benefits Division Sponsored Events](#) policy. The exception is for programs sponsored by the Health Care and Benefits Division (HCBD). Agency managers must consider reasonable requests for paid time for employees attending the following events sponsored by HCBD (except when the business needs preclude attendance):

- health screenings,
- benefit presentations,
- benefit trainings, and

- webinars, that occur during an employee's normal work schedule.

By offering paid time for work-related benefits such as those offered by the State of Montana Health Care Plan, members are encouraged to participate in training and programs providing the tools and knowledge employees need to make good choices about their own health care. These programs also provide a working environment promoting and encouraging healthful behaviors.

9. If an employee with a disability requires a reasonable accommodation or program modification to attend training, who is responsible for providing access?

It depends. If the agency contracts for training with a training company or contracts for training facilities such as hotels or conference centers, the agency is responsible for assuring accessibility and other needed accommodations.

If the employee requests permission to attend training not provided through the agency, the educational institution or training providers are responsible for ensuring accessibility.

Alternative accessible formats of this Fact Sheet will be provided on request. Persons who need an alternative format should contact the State Human Resources Division, Department of Administration, 125 N. Roberts St., PO Box 200127, Helena, MT 59620-0127. Telephone 406-444-3871. Those using a TTY may call through the Montana Relay Service at 711.