



Question of the Week

JULY 10, 2024

QUESTION

When are we required to pay for trainings?

ANSWER

Answered by the HR Experts at Mineral

In general, time spent in job-related training is counted as time worked and must be paid. However, not every lecture, class, training program, or similar activity would qualify. If all four of the following criteria are met, you don't need to pay the employee for the training:

1. The training occurs outside of the employee's normal work hours
2. The training is completely voluntary (there will be no company-initiated consequences if the employee does not attend)
3. The training is not specifically job related (it may be tangentially related to their job, like most continuing education, without being specific to how they do their job on a day-to-day basis or intended to train them for new job duties)
4. No work for the employer is performed during the training (e.g., reading or replying to emails).

For example, if a software developer wants to learn a new coding language that isn't even used in the workplace and enrolls in a local college class that meets in the evenings after work, that wouldn't need to be paid. On the other hand, if a graphic designer needs to learn a new piece of software because it will be used for future work projects, that *would* need to be paid.

This Q&A does not constitute legal advice and does not address state or local law.

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Question of the Week

JULY 03, 2024

QUESTION

If an employee runs out of paid time off, do we have to allow them to take unpaid time off?

ANSWER

Answered by the HR Experts at Mineral

It depends on why your employee needs the unpaid time off and what you've done in the past.

In some situations, such as those that would be covered by the Family and Medical Leave Act, Americans with Disabilities Act, Pregnant Workers Fairness Act, or a similar state law, the employee may be legally entitled to unpaid leave. In those cases, you would need to approve the unpaid leave at least to the extent required by the applicable laws.

In the absence of any legal requirements, if you've historically granted similarly situated employees unpaid time off, you should continue to do so. Inconsistency can lead to discrimination claims. (You can make a permanent change in policy and stop granting unpaid time off when it's not required by law, but that's the kind of policy shift you'd want to share widely, and if possible, with some advance notice.) If neither of the above situations apply, you could deny a request for unpaid time off, but be sure to let the employee know why. People appreciate transparency, especially when being told "no."

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