

# Compensating staff for continuing education

*By Ginny Hegarty*

**Q: I've always paid the tuition and hotel expenses when my staff attends continuing education courses. Now I'm hearing that I should also be paying the staff for their time and other expenses, including travel time. What are the regulations regarding continuing education?**

A: There is no one simple answer because it so often depends on the specific situation and your state's regulations. I'll break down the answer to address each of your concerns: wages, travel time and expenses.

## **Wages for CE attendance**

Most doctors agree that they will pay regular wages when a staff member attends a course during regular work hours. It gets a little trickier once you are outside normal work hours.

The criteria for deciding if you should pay staff for attending continuing education courses used to be based on the answer to the question, "Is attendance mandatory or voluntary?" In most cases if attendance was mandatory, you paid wages; if attendance was voluntary you did not. Now you need to consider the following question: "Is the seminar/workshop work-related?"

You might ask, "Isn't every course work-related?" While the answer may seem to be an obvious "yes," that's not necessarily so. According to employment-law specialists Bent Ericksen & Associates, "A seminar is directly related to an employee's job if it is designed to enable the employee to handle the job more effectively. If the training teaches an employee how to do a new job, teaches a new skill that would improve handling of the present job, or upgrades the employee to a higher skill, but is not intended to make the employee more efficient in the present job, it is not considered directly related."

So, continuing education courses are eligible for wages when:

Attendance at continuing education courses are not eligible for wages when they take place outside an employee's regular work schedule and the course is not directly related to the employee's job responsibilities. Therefore, attendance is generally voluntary.

## **Different capacity work rate**

When a staff member attends a course outside of their regular work hours and you determine that the seminar is work-related, you can choose if you will pay the employee their regular rate of pay or a different capacity work rate (DCWR). The Fair Labor Standards Act (FLSA) and your state set the regulations regarding wages and seminar attendance. You are bound by the stricter of the federal or state regulations. If you wish to pay staff at a DCWR, the FLSA has two conditions that must be met:

- The hourly rate of pay must be equal to or greater than minimum wage
- Each employee should sign a form agreeing to the DCWR.

### **Travel time**

Overnight travel: FLSA states that travel time as a passenger on a public conveyance outside the normal work hours is not paid time provided that no work-related functions are being performed during that time. State laws can be stricter. Time spent as the driver going to or from an event is often considered paid time. State laws can be stricter than the FLSA, even requiring that all time except the normal time that it would take to get to or from work on any given day is considered paid time. Be certain to check your state's regulations.

Most practices will take care of all air, train or bus travel and lodging. When it comes to meals that are not included in the seminar, the choice is yours if you wish to pay for all, some or no meals. Many practices establish a per-diem rate for meals each day that employees may spend at their own discretion. With this plan, you don't need to worry whether the staff eats at McDonald's or the Four Seasons. Again, individual state laws can vary significantly, so check your regulations.

### **Expenses**

The FLSA focuses on hours worked and wages paid and does not have any specific requirements regarding expenses associated with continuing education. To prevent misunderstandings, my best recommendation is to be certain to discuss all expenses before seminar attendance and have written, signed agreements as to exactly what you will be paying for.

### **Summary**

Continuing education breathes life into all of us. It gets us excited and enthusiastic about dentistry and about sharing our newfound knowledge with our patients. Enthusiastic doctors and team members create the ideal atmosphere for practice success. Don't let confusion, misunderstandings or disagreements about compensation and reimbursement of expenses get in the way of these life-changing experiences for you and your team. Protect yourself and your practice. Limit your liability by securing the proper advice and forms to simplify the process for everyone involved.

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