

MEMO

TO: All Workshop Managers
FROM: Dan Gier, Director, DESE-EESW
DATE: November 22, 2016
RE: WIOA Training and How to pay Employees

I have just confirmed that the time spend in the Required Selection 511 of WIOA VR Training is considered "Covered Work Time-Down Time" just as all the other required Regulatory trainings such as Safety. Thus the employee must be compensated for attending.

*"Down time refers to compensable time when the worker with a disability is on the job but is not producing because of factors not within his or her control. Workers with disabilities, including those paid piece rates, are required to be paid for down time at a rate equal to their **average hourly earnings** during the most representative period, not to exceed a quarter (calendar or fiscal). An employer must be consistent in the method used when computing the employee's average hourly earnings."*

Travel time to Regional Meetings:

Any time spent in transportation between job sites (this includes the VR training) during the course of the workday is hours worked and the employee shall be paid a wage rate that is at least equal to his or her **average hourly earnings** during the most recently completed representative period, not to exceed a quarter (calendar or fiscal). An employer must be consistent in the method used when computing the employee's average hourly earnings.