

Consistent With Recent Decisions, Maryland Judge Finds Vocational School Students Not FLSA “Employees”

Article By:

Noel P. Tripp

Like [interns](#), vocational students often provide some degree of service as part of their vocational program. For this reason, such arrangements are susceptible to the allegation that these services are compensable “work time” under the FLSA. While such allegations have been made in some recent cases, in [the first handful of these to reach decision](#), courts have recognized that the “economic reality” of the vocational arrangement differs from employment for hire, and have declined to extend FLSA coverage to such a scenario. One recent decision joining those ranks is *Harbourt v. PPE Casino Resorts Md., LLC*, 2015 U.S. Dist. LEXIS 52328 (D. Md. Apr. 21, 2015).

Claudia Harbourt and her fellow plaintiffs attended (in whole or in part) defendant casino’s 12-week “dealer school” training course for table games such as blackjack, craps, roulette, and baccarat, offered as the company attempted to train and hire numerous dealers ahead of its April 11, 2013 opening. Plaintiffs claimed attendance at the course constituted compensable work because the casino was the “primary beneficiary” of their attendance, not they themselves, because it needed to find dealers, notwithstanding that the casino was not open and no “work” apart from the attendance at training was alleged. Plaintiffs also urged that the training was so specific to the casino’s planned operations so as not to constitute valuable general training regarding casino work. Federal District Judge Catherine C. Blake rejected these arguments, observing that Maryland’s strict gaming regulations (Md. Code Regs. 36.05.01 et seq.) greatly limited any casino-specific customization of the training, and ruling that Plaintiff’s allegations did not support their claim that they are the primary beneficiary under the standard set forth in *Walling v. Portland Terminal Co.*, 330 U.S. 148 (1947).

Employers and vocational schools must continue to craft training programs with these principles in mind.

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