

THE EMPLOYER'S GUIDE TO:

TRAVEL TIME

WHEN AND HOW NON-EXEMPT EMPLOYEES MUST BE PAID FOR TRAVEL.

PURPOSE OF THIS GUIDE

This document helps determine when non-exempt employees need to be paid for travel. Under the Fair Labor Standards Act (FLSA) and many related state laws, a non-exempt employee must be paid for all hours in which the employee is “suffered or permitted to work”. This guide addresses the circumstances time spent traveling is considered compensable (e.g., the time is counted as hours worked).

Note: This guide is based on federal law. Some states may have travel reimbursement requirements that differ or are more strict than the FLSA. It is strongly advised to check your state laws in addition to using this guide. When federal and state wage and hour regulations conflict, the employer must apply the rule most beneficial to the employee.

HOME-TO-WORK TRAVEL

In general, the FLSA does not consider ordinary commuting as hours worked. Ordinary commute time is not compensable except in rare circumstances.

- **Compensable:** Taking a work phone call, running work errands (e.g., picking up supplies) while traveling from home to work or vice versa is considered compensable if it is work-related.
- **Non-Compensable:** Ordinary travel from home to work is not considered hours worked.

TRAVELING DURING THE WORK DAY (LOCAL TRAVEL)

Generally, time spent traveling as part of the Company's activity counts as hours worked (e.g., travel between job sites is compensable).

- **Compensable:** Travel during the work day as part of the Company's activity counts as hours worked, (e.g., travel between job sites).
- **Non-Compensable:** Personal non-work travel off the clock such as during lunch break is not considered hours worked.

OVERNIGHT TRAVEL

In general, whether travel time counts as hours worked when an employee travels overnight depends on whether the travel occurs within the employee's normal work hours and whether the employee drove. Travel time that occurs within the employee's normal work hours is compensable.

COMPENSABLE

- Any portion of authorized travel that occurs within an employee's normal work hours counts as hours worked. Travel on non-work days (e.g., weekends) also counts as hours worked if it occurs within the employee's normal work hours.
- Driving a vehicle, regardless of whether the travel takes place within or outside normal work hours, counts as hours worked. In other words, the act of driving is considered manual labor activity which must be counted as hours worked if it is for the benefit of the Company.
- If an employee is required to attend meals, social events, etc., that time is counted as hours worked.
- Time spent waiting at the airport counts as hours worked if it occurs within an employee's normal work hours.
- Any work conducted while traveling is counted as hours worked (e.g., answering e-mails, taking business-related phone calls).
- If an employee is required to ride as an assistant or helper in an automobile, the travel time counts as hours worked.

NON-COMPENSABLE

- Regular meal periods or off-duty hours do not count as hours worked.
- Riding as a passenger outside of normal work hours, via airplane, train, boat, bus, or automobile does not count as hours worked. In other words, the act of riding as a passenger is not considered work.
- Time spent sleeping does not count as hours worked.
- Time spent waiting at the airport outside of normal work hours does not count as hours worked.
- Travel between home and work or between hotel and worksite is considered normal commuting time and does not count as hours worked.

MISCELLANEOUS ISSUES

- When an employee travels between two or more time zones, the time zone associated with the point of departure should be used to determine whether the travel falls within normal work hours.
- If an employee drives a car as a matter of personal preference when an authorized flight or other travel mode is available and the travel by car would exceed that of the authorized mode, only the estimated travel time associated with the authorized mode will be counted as hours worked.
- If the Company provides hotel accommodations for overnight travel, but an employee wishes to commute home each evening, this travel time is not counted as hours worked.
- On days when an employee is out of town (but not traveling), the employee is compensated for hours worked, such as when attending a conference or a meeting. The employee is not compensated for time not working, even if it occurs within the employee's regular work schedule (e.g., employee goes sightseeing instead of attending a session of the conference or the conference sessions are only from 9:00 a.m. to 4:00 p.m.).

SAME DAY/OUT OF TOWN

In general, time spent traveling out-of-town and returning in the same day, counts as hours worked. Whether the employee is driving or riding as a passenger, and, regardless whether the travel occurs within the employee's normal work schedule, this type of travel counts as hours worked.

- **Compensable:** Time spent traveling to and from a one day seminar, conference, meeting, etc. is counted as hours worked.
- **Non Compensable:** Regular meal periods do not count as hours worked.

THANK YOU

Click the icon below if you'd like to learn more about how Complete Payroll can help your business with critical employment and labor law issues.



LEGAL DISCLAIMER: The materials and information available are for informational purposes only, are not for the purpose of providing legal advice, and may not be relied upon as legal advice. The employees of Complete Payroll are not licensed attorneys. This information and all HR Support Center materials are provided pursuant to and in compliance with federal and state statutes. It does not encompass other regulations that may exist, including, but not limited, to local ordinances. The transmission of documents or information through the HR Support Center does not create an attorney-client relationship. Complete Payroll makes no representations as to the accuracy, completeness, currentness, suitability, or validity of the information on this website and does not adopt any information contained on this website as its own. All information is provided on an as-is basis. Please consult HR On-Demand or an attorney to obtain advice with respect to any particular question or issue.