

## Fair Labor Standards Act Summary Sheet for Travel

### What the Federal Law Says

**Travel Time:** The principles which apply in determining whether time spent in travel is compensable time depends upon the kind of travel involved.

#### Not Considered Work Time

Travel as a passenger: The agency will not consider as work time any time spent in travel away from home outside of regular working hours (defined as 8 a.m. to 5 p.m. for BGSU) as a passenger on an airplane, train, boat, bus, or automobile.

Home to Work Travel: An employee who travels from home before the regular workday and returns home at the end of the workday is engaged in ordinary home to work travel, which is not work time.

Meal periods: should be deducted from all travel time and are *not* considered work time. For BGSU, meal periods are typically an hour in length. See the travel sections in the Administrative and Classified Staff Handbooks for greater detail.

#### Considered Work Time

Travel as a driver: All authorized travel time spent driving an automobile is treated as work hours, regardless of whether the travel takes place within normal work hours or outside normal work hours (defined as 8 a.m. to 5 p.m. for BGSU). An employee will receive his or her regular hourly rate for all travel time spent as the driver of an automobile, and this time will be factored into overtime calculations.

Home to Work on a Special One Day Assignment in Another City: An employee who regularly works at a fixed location in one city is given a special one day assignment in another city and returns home the same day. The time spent in traveling to and returning from the other city is work time, *except that the employer may deduct/not count that time the employee would normally spend commuting to the regular work site.*

Travel That is All in a Day's Work: Time spent by an employee in travel as part of their principal activity, such as travel from job site to job site during the workday, is work time and must be counted as hours worked.

Travel Away from Home Community: Travel that keeps an employee away from home overnight is travel away from home. Travel away from home is clearly work time when it cuts across the employee's workday. The time is not only hours worked on regular working days during normal working hours but also during corresponding hours on nonworking days.

When an employee travels between two or more time zones, the time zone associated with the point of departure should be used to determine the number of hours worked.

Travel on a holiday: Employee would receive time and a half pay if traveling on a holiday.

## Additional Information

- <http://www.dol.gov/whd/flsa/>, <http://www.dol.gov/whd/regs/compliance/whdfs22.pdf>,
- [https://www.shrm.org/template/tools/samples/policies/pages/cms\\_007474.aspx](https://www.shrm.org/template/tools/samples/policies/pages/cms_007474.aspx)
- <http://www.bgsu.edu/human-resources/resources.html> (handbook information on travel and meals)

### Example: OUT OF TOWN TRAVEL – SPECIAL ONE-DAY ASSIGNMENT

To the extent that an employee performs work while traveling, e.g. preparing for a meeting, reviewing documents, making telephone calls, this time constitutes hours worked even if the travel time would otherwise not be compensable.

Single day out-of-town travel is considered hours worked, excluding a meal period. For example, a non-exempt employee whose normal work hours are 8:00 a.m. to 5:00 p.m. is given an assignment to be in Columbus for one day and return that evening. The nonexempt employee leaves the University (or his/her home) at 7:00 a.m., the meeting is over at 3:00 p.m., and the employee arrives back at the University (or his/her home) at 7:00 p.m. In this case, the travel time between 7:00 a.m. to 8:00 a.m. and 5:00 p.m. and 7:00 p.m. is considered as hours worked and the three hours count towards calculating eligibility for overtime over 40 hours. Assuming that the non-exempt employee did not perform any other extra work during the work week, the employee worked 43.0 hours in the work week, and would be logged into the Time and Labor system as 3 hours of compensatory time.

### Example: OVERNIGHT TRAVEL

Travel performed at the request and for the benefit of the employer that keeps an employee away from home overnight is travel away from home. Travel away from home is clearly work time when it cuts across the employee's regular workday hours and is compensable. If this travel occurs during normal work hours on non-working days (i.e. Saturday or Sunday for an employee who works Monday through Friday) the time is also compensable. Time the employee spends in overnight travel away from home outside of regular working hours as a passenger on an airplane, train, boat, bus, or automobile and the employee is free to relax, is not considered compensable time. If the employee is the driver of the vehicle, the employee must be compensated as driving is work time. To the extent that an employee performs work while traveling, e.g. preparing for a meeting, reviewing documents, making telephone calls, this time constitutes hours worked even if the travel time would otherwise not be compensable.

For example, an employee drives to the airport to attend a seminar and has two co-workers as passengers with him. If the trip is made before or after normal work hours, only the driver receives compensation as only the driver is working. If the trip is made during normal work hours, all three employees are compensated because travel during normal work time is compensable. Time spent at a motel with freedom to use time for the employee's own purposes is not compensable.