



## **Fair Labor Standards Act (FLSA) & Travel Time Information**

The Fair Labor Standards Act (FLSA) determines whether a position is eligible for overtime pay. Under the FLSA, there are two types of employment, exempt and non-exempt. Employees exempt from the FLSA provisions are those who function in a professional, administrative or executive capacity, or meet the standards of other special exemptions outlined in the guidelines established by the U.S. Department of Labor. Exempt employees are compensated based upon their total job responsibilities, not the number of hours they work. Exempt employees are normally not eligible for overtime compensation, except in certain limited circumstances.

Non-exempt (hourly) employees must be paid or granted compensatory time at the rate of time and one-half for all hours worked in excess of 40 hours in a week. Non-exempt employees are not to work overtime unless prior approval is granted by his/her supervisor. Employees may be subject to discipline if overtime hours are worked without pre-authorization.

Determining whether or not time spent in travel counts as hours worked depends upon the kind of travel involved. Travel from home to work is not considered work time, even if the employee is called to return to work after the end of his/her workday to perform emergency work. If travel is overnight, only the time spent traveling during the hours of the regular work day is considered work time, excluding meal time. If the overnight travel occurs on a non-scheduled workday, travel time is considered work time during what would normally be the work hours on a regular work day. Non-exempt employees traveling during the normal workday and returning the same day may be eligible for overtime if their hours worked exceeds 40 per week.

For employees represented by a Union, the determination of the appropriate overtime pay, compensatory time, or travel time for all exempt and non-exempt represented employees is designated by the appropriate [collective bargaining agreement](#).

The [State Compensation Plan](#) (Section A, 4.03) outlines detailed information regarding compensation for non-exempt and exempt, non-represented classified employees.

The [Wisconsin Human Resource Handbook](#) (Chapter 520) and/or the [Department of Labor Reference Guide to the Fair Labor Standards Act \(FLSA\)](#) also contain more information.

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