



## Travel Time for FLSA Non-Exempt Employees

**Travel Time:** The principles which apply in determining whether or not time spent in travel is working time depend upon the kind of travel involved.

- **Home to work:** An employee who travels from home before their regular workday and returns to their home at the end of the workday is engaged in ordinary home to work travel which is a normal incident of employment. This is true whether they work at a fixed location or at different job sites. Normal travel from home to work is not work time.
- **Travel that is all in the 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, must be counted as hours worked. Where an employee is required to report at a meeting place to receive instructions or to perform other work there, or to pick up and to carry tools, the travel from the designated place to the workplace is part of the day's work, and must be counted as hours worked regardless of contract, custom, or practice.
  - If an employee normally finished their work on the premises at 5 p.m. and is sent to another job which they finish at 8 p.m. and is required to return to their employer's premises arriving at 9 p.m. all of the time is working time. However, if the employee goes home instead of returning to their employer's premises, the travel after 8 p.m. is home-to-work travel and is not hours worked.
- **Single-Day Travel:** Time spent by the employee in travel as part of his or her normal work activities, such as travel from the work site to a seminar during regular working hours is generally considered hours worked. If the employee is required to travel to another city and return home in the same day, the travel time to and from the other city is considered hours worked, except that the employer may deduct/not count that time the employee would normally spend commuting to the regular work site. If the employee takes a lunch break, that time is not considered hours worked.
  - Example: An employee leaves at 6:30 a.m. to drive to another city for a seminar, arriving at 9:00 a.m. They attend the seminar from 9:00 a.m. to 4:00 p.m. with an hour lunch, and then drive home, arriving at 6:30 p.m. The employee's commute from home to the work site is normally 30 minutes each way. The employee would receive 10 hours of work time for that day.
- **Travel Away From Home Overnight:** Travel time involving a required overnight stay is considered hours worked. This includes time spent in travel away from home outside regular working hours as a passenger on an airplane, train, boat, bus or automobile. Any work which an employee is required to perform while traveling must be counted as hours worked even though it may not be during normally scheduled work hours.
  - Example: An employee travels Sunday afternoon to attend a conference taking place on Monday/Tuesday. The employee leaves home at 2:00 p.m. on Sunday, arriving at the hotel at 6:30 p.m. The employee is not required to do any work once arriving to the hotel. The employee would receive 4.5 hours of work time for traveling. On Monday, the employee attends the conference from 8:00 a.m. to 5:00 p.m., with an hour lunch. After the conference (with prior supervisor approval), the employee works on responding to emails from 5:00 p.m. to 6:30 p.m. The employee would receive 9.5 hours of work time



for the day. On Tuesday, the employee attends the conference from 8:00 a.m. to 2:00 p.m. with an hour lunch, and then travels home, arriving at 6:30 p.m. The employee would receive 9.5 hours of work time for the day.