

Travel Time:

The principles which apply in determining whether time spent in travel is compensable time depends upon the kind of travel involved. Regardless of the time of day or day of the week, any time (other than the normal commute) that an employee is the driver of a vehicle for work purposes it is time worked. However, if an employee must be away overnight, time spent as a passenger in a car, plane, train, etc. outside the employee's normal working hours is not time worked unless the employee performs work while riding.

Types of Travel Time

Home to Work Travel:

An employee who travels from home before the regular workday and returns to his/her home at the end of the workday is engaged in ordinary home to work travel, which is not work time.

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 the time the employee would normally spend commuting to the regular work site.

Example: If it normally takes an employee 15 minutes to commute from their home to work, and they are sent to a one-day assignment in another city and it takes them 30 minutes to get there, the employee is entitled to 15 minutes of pay.

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. The Department of Labor does not consider time spent in travel away from home outside of regular working hours as a passenger on an airplane, train, boat, bus, or automobile as work time.

Example: If an employee's normal work day is 8:00 am – 4:30 pm and the employee is traveling away from home overnight, the time spent traveling before 8:00 a.m. and after 4:30 p.m. would not need to be included if the employee is a passenger – with one caveat, if the employee actually performs work while traveling (answers emails, works on a presentation, etc.), the employer must include the time spent working as hours worked. If the employee is the driver, they must be compensated for their time.

Also, employers must count as hours worked time spent by employees traveling on non-workdays if the travel takes place during the employees' normal work hours. To clarify, if an employee normally works Monday through Friday from 8:00 a.m. to 4:30 p.m. and the employee is traveling on Saturday, the employer would be required to count as hours worked the time spent traveling by the employee between 8:00 a.m. and 4:30 p.m. on that Saturday. If the employee's travel spans that entire normal workday time period, the employer would be required to include all that time, minus time usually given for lunch or breaks, as hours worked.