

Fair Labor Standards Act

Travel Time Guide

Overview

The Fair Labor Standards Act (FLSA) regulates what constitutes compensable time or hours worked for non-exempt hourly employees. Under the FLSA, compensable time includes all work an employer “suffers or permits” its non-exempt hourly employees to work. This may occasionally include an employee’s travel time.

In addition, a workday begins when an employee starts their principal activity and ends when he or she finishes his or her last principal activity of the day. Therefore, the amount of compensable time during a workday may be longer than the employee’s scheduled shift, hours, tour of duty, or production line time. The FLSA also dictates that employers must pay their non-exempt hourly employees for all hours worked. An employee’s pay must be at least the current federal minimum wage rate for the first 40 hours of work during a workweek and one and one-half times his or her regular rate of pay for any hours he or she works over 40 during a workweek.

This document provides general information relating to compensable travel time under the FLSA.

Travel Time:

The principles that apply in determining whether time spent in travel is compensable time depends upon the kind of travel involved.

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. Commute time is not compensable.

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 traveling to and returning from the other city is work time, except normal commute time is not compensable.

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. Principal activities may also include mandatory work activities, work-related conferences, and/or professional development events.

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

For example, if Mike the Tiger normally works Monday - Friday, 8:30 am to 5:00 pm, and he must travel by plane on Sunday for business in another state, his travel time between 8:30 am to 5:00 pm is compensable.

So, if Mike arrives at the airport on Sunday at 3:00 pm, and arrives at his destination at 8:00 pm, LSU is only required to pay him only from 3:00 pm to 5:00 pm. The hours correspond with his normally scheduled work hours.

Additionally, if an employee arrives at the destination before the end of their normal work day, they are expected to engage in work-related activities until their shift ends. Should the employee engage in non-work-related activities, they must enter the appropriate leave type.

For example, Mike the Tiger normally works Monday-Friday, 8:30 am to 5:00 pm. He is required to travel on Friday and arrives at his destination at 2:00 pm. Mike decides to attend a non-work-related event that lasts until 6:00 pm. The time attending this event is not considered compensable time and Mike must take annual leave from 2:00 pm - 5:00 pm.

Driving at the Direction of the Employer:

All driving time is compensable when employees are required to drive themselves or others. However, when an employee is traveling to an overnight stay and has the option to use public transportation (i.e. train, bus, airplane, etc.) but chooses to drive their own vehicle instead, the employee will be paid for the travel time that occurs during normal work hours, regardless of what day of the week the employee travels. If an employee drives others in their own vehicle to the overnight stay, the hours corresponding to their normal work schedule will be compensable.

Work Performed While Traveling:

Employees must be paid for any time they are performing work. This includes time spent working during travel as a passenger that would otherwise be non-compensable.

For example, if Mike normally works Monday - Friday, 8:30 am to 5:00 pm, and he is required to travel by plane on Sunday for business in another state starting at 6:00 pm, this is not compensable. However, if Mike logs into his computer and responds to emails during the flight, this time while traveling is compensable as work is being performed.

Overnight Travel Time Flow Chart

