

FLSA AND TRAVEL TIME FOR NON-EXEMPT EMPLOYEES & EXAMPLES

I. GENERAL RULES

- a. Excluding normal commuting time, employees should be compensated for all travel unless it is:
 - i. overnight;
 - ii. outside of regular work hours;
 - iii. on a common carrier; or
 - iv. where no work is done.
- b. An employer may rearrange the work schedule within the work week (Sunday – Saturday) to avoid additional compensation hours which may occur as a result of travel time or compensable commuting time as described below. Whenever possible, the employer and employee should discuss the possibility of rearranging the work schedule prior to departure.

However, special rules apply to special situations.

II. COMMUTE TIME: Generally, an employee is not at work until her or she reaches the work site and begins working.

- a. If the employee is required to report to a meeting place where he or she is to pick up materials, equipment, or other employees, or to receive instructions before traveling to the work site, time is compensable once the employee reaches the meeting place.
- b. If the employee drives a state vehicle, to and from work, he or she does not have to be compensated for that commuting time as long as:
 - i. driving the vehicle between home and work is strictly voluntary and not a condition of employment;
 - ii. the vehicle is a type normally used for commuting;
 - iii. the employee incurs no costs for driving the employer's vehicle or parking it at home; and
 - iv. the work sites are within normal commuting area of the employer's place of business.
 - Unless, there is a contract, custom or practice providing that an employee's regular daily travel time between home and the workplace is compensable. If such contract, custom or practice exists, the time is compensable.

III. TRAVEL DURING THE WORKDAY - GENERAL RULE:

- a. Travel as a part of the employer's principal activity must be counted as hours worked. If the travel is for the benefit of the employer, it is compensable.
 - Example: the employee travels from job site to job site during the workday.
- b. If the employee stops at a shop or the home office for his or her own convenience, the time traveling from the office to the site is not compensable.
 - Example: the employee leaves home for the work site but stops at a shop for his or her own convenience.
- c. Time spent by the driver in picking up other passengers and transporting them to a specific location is work time and therefore compensable.
- d. Time spent by passengers traveling in a car outside the normal workday hours is not compensable.

FLSA AND TRAVEL TIME FOR NON-EXEMPT EMPLOYEES & EXAMPLES

IV. OUT OF TOWN TRAVEL – SPECIAL ONE-DAY ASSIGNMENT

- a. If the employee is assigned to work in another city for one day and the travel is performed for the employer's benefit and at its request, it is part of the principal activity of the employer and therefore is compensable. This is true even if the employee is traveling by common carrier since this is a special assignment and is not ordinary home to work travel. The assignment is performed for the employer's benefit and at the employer's special request to meet the needs of the particular and unusual assignment.
- b. However, in this special one-day assignment travel time between the employee's home and the airport or railway station is home to work travel time and therefore not compensable, if outside normal work hours.

V. OVERNIGHT TRAVEL: 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 regular work day hours and is compensable.

- a. The time is not only hours worked on regular work days during normal working hours but also during corresponding hours on non-work days. If this travel occurs during normal work hours on non-work days (i.e. Saturday or Sunday for an employee who works Monday through Friday) the time is also compensable.
- b. Overnight travel that occurs outside of the employee's normal working hours is not compensable whether it is on a common carrier or as a passenger in a car. The driver of the vehicle must be compensated as driving is work time.
 - Example: 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.
- c. Time spent at a motel with freedom to use time for the employee's own purposes is not compensable.
- d. Time Zone Changes – If the time zone changes during the travel day, the hours should be calculated on the "actual" hours when calculating compensable time on travel days. A department may wish to use Central Standard Time (CST) for travel days to assist in determining work hours. Local time should be used for all other days of the travel.
 - Example: Employee rode to the airport on a non workday but within work hours and left at 9:00 a.m. CST and arrived at the hotel Noon Pacific Standard Time (PST) (which is 2:00 CST). Actual hours of travel are 5 hours (9 am to 2:00 CST).
 - Return flight the employee left at 10 a.m. PST (which is 8:00 CST) and returned to Lawrence at 1:00 p.m. CST (11:00 PST). Actual hours of travel are 5 hours.

Other Reference Materials may be found on this HR/EO web page -

Fair Labor Standards Act web page category www.hreo.ku.edu/policies_procedures/category_details/15

If you have questions, please contact [Sarah Campbell](#) at 864-7418 or [Allen Humphrey](#) at 864-7020.

FLSA AND TRAVEL TIME FOR NON-EXEMPT EMPLOYEES & EXAMPLES

Examples of a Non-Exempt (paid hourly) Employee and Overnight Travel

- A. When the travel takes place outside the employee's normal work days; the employee is required to be compensated for the travel time if he/she is the driver to the airport or hotel. (Reference V. b)
- B. When the travel takes place outside the employee's normal work days but within his/her work hours, he/she is required to be compensated for the travel time. (Reference V. a)
- C. Passenger employees are not required to be compensated outside his/her work hours. (Reference V. b)
- D. The employee is compensated for all conference required events that involve training or a speaker. The employee is not compensated for social events, meals without speakers or meals when work is not being performed. (Reference I. a. iv)
- E. An employer may rearrange the work schedule within the work week to avoid additional compensation hours. (Reference I. c)
- F. When the travel falls during the employee's regular work day, the travel time is compensable. (Reference V. a)
- G. If the time zone changes during the travel day, you will need to count "actual" hours. To determine work hours on travel days use Central Time Zone for both days in order for the employee to not be advantaged or disadvantaged based on time changes. For non travel days, use local time. (Reference V. d)

Example 1 – No Adjustments to Schedules

For this example the employee's work schedule is Monday through Friday (defined as work days) 8 a.m. to 5 p.m. (defined as work hours) with a 1 hour lunch. The conference began Sunday night at 5:15 p.m. with a business meeting and ended on Wednesday at 12:10 p.m. The employee worked his/her normal schedule the days following the conference. No time zone differences.

Sunday (not a normal scheduled work day but most of travel is within work hours - **B**)

9:40 am - 10:40 pm	Employee <i>drives</i> to KCI (compensated – A & B)
10:40 am - 11:40 pm	Employee at airport (compensated - B)
11:40 am - 4:00 pm	Plane flight (compensated– B)
4:00 pm - 5:15 pm	Arrived & took shuttle to hotel (partially compensated - B)
5:15 pm- 6:00 pm	Opening Business Meeting (compensated - D)
6:00 pm - 9:00 pm	Opening Reception (not compensated- D)

- Total compensation for the day is 8.00 hours (Hours of 9:40 am to 5:00 pm {in normal work hours} and 5:15 pm-6 pm)

Monday (normal scheduled work day)

8:30 am - Noon	Conference Sessions – (compensated - D)
12:30 pm - 4:30 pm	Conference Sessions – (compensated - D)

- Total compensation for the day is 8 hours.

Tuesday (normal scheduled work day)

8:30 am - Noon	Conference Sessions – (compensated - D)
12:30 pm - 4:30 pm	Conference Sessions – (compensated - D)

- Total compensation for the day is 8 hours.

FLSA AND TRAVEL TIME FOR NON-EXEMPT EMPLOYEES & EXAMPLES

Wednesday (normal scheduled work day and most of travel is within normal work hours - **F**)

- | | |
|--------------------|--|
| 8:30 am - Noon | Conference Sessions (compensated - D) |
| Noon – 10:45 pm | Employee leaves hotel/shuttle airport, flight, arrives (partially compensated – F) |
| 10:45 pm -11:45 pm | Employee <i>drives</i> from KCI (compensated - A) |
- Total compensation for the day is 9 hours. (8 hrs {normal work hours & work day} and 10:45-11:45)

Thursday (normal scheduled work day)

- | | |
|------------|----------------------|
| 8 am -Noon | Worked (compensated) |
| 1 pm -5 pm | Worked (compensated) |
- Total compensation for the day is 8 hours.

Friday (normal scheduled work day)

- | | |
|------------|----------------------|
| 8 am -Noon | Worked (compensated) |
| 1 pm -5 pm | Worked (compensated) |
- Total compensation for the day is 8 hours.

➤ Total compensation for the week is 49.00 hours.

Example 2 - Adjusted Work Schedules

For this example the employee's work schedule for the work week has been adjusted (**E**). The employer has informed the employee that any hours incurred that may result in extra compensation will be adjusted in the remaining work week. The employer determined the employee should leave early on Thursday and not work on Friday. The conference began Sunday night at 5:15 p.m. with a business meeting and ended on Wednesday at 12:10 p.m. No time zone differences.

Sunday (not a normal scheduled work day but most of travel is within work hours - **B**)

- | | |
|--------------------|---|
| 9:40 am - 10:40 am | Employee <i>drives</i> to KCI (compensated – A & B) |
| 10:40 am- 11:40 am | Employee at airport (compensated - B) |
| 11:40 am- 4:00 pm | Plane flight (compensated– B) |
| 4:00 pm- 5:15 pm | Arrived & took shuttle to hotel (partially compensated - B) |
| 5:15 pm- 6:00 pm | Opening Business Meeting (compensated - D) |
| 6:00 pm - 9:00 pm | Opening Reception (not compensated- D) |
- Total compensation for the day is 8.00 hours (Hours of 9:40 am to 5:00 pm {in normal work hours} and 5:15 pm -6:00 pm)

Monday (normal scheduled work day)

- | | |
|--------------------|---|
| 8:30 am - Noon | Conference Sessions – (compensated - D) |
| 12:30 pm - 4:30 pm | Conference Sessions – (compensated - D) |
- Total compensation for the day is 8 hours.

Tuesday (normal scheduled work day)

- | | |
|--------------------|---|
| 8:30 am – Noon | Conference Sessions – (compensated - D) |
| 12:30 pm - 4:30 pm | Conference Sessions – (compensated - D) |
- Total compensation for the day is 8 hours.

FLSA AND TRAVEL TIME FOR NON-EXEMPT EMPLOYEES & EXAMPLES

Wednesday (normal scheduled work day and most of travel is within normal work hours - **F**)

- | | |
|--------------------|--|
| 8:30 - Noon | Conference Sessions (compensated - D) |
| Noon – 10:45 pm | Employee leaves hotel/shuttle airport, flight, luggage (partially compensated – F) |
| 10:45 pm -11:45 pm | Employee <i>drives</i> from KCI (compensated - A) |
- Total compensation for the day is 9 hours. (8 hrs {normal work hours & work day} and 10:45-11:45)

Thursday (normal scheduled work day)

- | | |
|-------------------|----------------------|
| 8 am - Noon | Worked (compensated) |
| 1:00 pm – 4:00 pm | Worked (compensated) |
- Total compensation for the day is 7 hours.

Friday (Off work)

- Total compensation for the week is 40.00 hours.

Example 3 – Time Zone Change

For this example the employee’s work schedule is Monday through Friday (defined as work days) 8 a.m. to 5 p.m. (defined as work hours) with a 1 hour lunch. The conference began Sunday night at 5:15 pm (PST) with a business meeting and ended on Tuesday at Noon (PST). The employee worked their normal schedule the days following the conference. The conference is located in California which is under PST which is 2 hours earlier.

Sunday (not a normal scheduled work day but most of travel is within work hours – **B & G**)

Actual times shown are CST (PST is shown in brackets)

- | | |
|---------------------------------|---|
| 9:40 am - 10:40 | Employee <i>drives</i> to KCI (compensated – A & B) |
| 10:40 am- 11:40 | Employee at airport, Plane flight (compensated– B) |
| 4:00 pm - 5:15 pm [2:00-3:15] | Arrived & took shuttle to hotel (partially compensated - B) |
| 5:15 pm - 6:00 pm [3:15 – 4:00] | Opening Business Meeting (compensated - D) |
| 6:00 pm - 9:00 pm [4:00-7:00] | Opening Reception (not compensated- D) |
- Total compensation for the day is 8.00 hours (Hours of 9:40 CST to 5:00 CST {in normal work hours} and 5:15 CST - 6:00 CST)

Monday (normal scheduled work day)

Actual times shown are PST as “local” time

- | | |
|--------------|---|
| 8:30 - 12:00 | Conference Sessions – (compensated - D) |
| 12:30 - 4:30 | Conference Sessions – (compensated - D) |
- Total compensation for the day is 8 hours.

Tuesday (normal scheduled work day – travel day so using CST **F & G**)

Actual times shown are CST (PST is shown in brackets)

- | | |
|------------------------------------|--|
| 6:30 am – 10:00 am [8:30-Noon] | Conference Sessions (compensated - D) |
| 10:00 am -10:45 pm. [Noon-8:45 pm] | Checkouts, shuttle to airport, arrives (partially compensated – F) |
| 10:45 pm – 11:45 pm | Employee <i>drives</i> from KCI to Lawrence (compensated - A) |
- Total compensation for the day is 9 hours. (8 hrs {normal work hours & work day} and 10:45-11:45)

If you have questions, please contact [Sarah Campbell](#) at 864-7418 or [Allen Humphrey](#) at 864-7020.