

## Cars, Trains and Planes: When Do You Have To Pay For Travel Time?

Must employees be paid for travel time? It seems like a simple question but as with most things involving the federal Fair Labor Standards Act (FLSA) nothing is simple or necessarily intuitive. The question involves the murky and often misunderstood concept of “hours worked.” Does the travel time constitute “hours worked” and therefore must be compensated. The answer depends upon the type of travel and when it occurs. A few types of travel are discussed below. Remember that the “hours worked” issues applies to nonexempt employees. Exempt employees, those not required to be paid overtime, could be sent to Mars and there’d be no additional pay implications beyond making sure they receive their regular salaries.

1. **Ordinary Home To Work Travel.** Normal travel from home to work is not work time, whether an employee works at a fixed site or at different job sites.
2. **Special Home To Work Assignments.** Travel in which an employee who regularly works at a fixed location is given a special assignment to work at a different location or attend a training is not ordinary work travel. Such travel is considered work time. However, the employee’s normal home to work travel time may be deducted from the work time, as she would have had to go to work anyway.
3. **Daily Work Travel.** Time spent traveling as part of an employee’s principal job activities, such as from job site to job site during the work day is considered “hours worked.” Also if an employee has to stop at a meeting place to receive instructions or pick up materials then travel from the meeting site to the workplace is paid time.
4. **Overnight Travel.** Travel away from home is work time when it cuts across the employee’s workday. Travel on non-working days is also considered “hours worked” if it occurs during normal working hours. For example, if an employee normally works from 9:00 a.m. to 5:00 p.m. on Monday through Friday, the travel time during these hours is also considered work time on Saturday and Sunday.
5. **Same Day Travel.** Employees who travel on the same day that they work at a special work site or attend a training session must be paid for all time spent traveling. But if that individual traveled on 1 day and worked or attended a seminar on the following day he would only be paid for the travel time that cut across his normal working hours.
6. **Working While Traveling.** Travel during non-work hours is not considered “hours worked” unless the employee is actually performing work while traveling. Time spent in travel away from home outside of normal working hours as an airplane, train, bus, or car passenger is not work time. However, an employee who drives a car, bus, or other means of transportation, does work on a plane, or is required to assist the driver is considered to be working.

For more information go to the Department of Labor's website at [www.dol.gov](http://www.dol.gov). Remember too, that many states have imposed additional requirements regarding wage and hour issues that go beyond what is required by the FLSA.

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