

Employment Law

Wage & Hour Tip

of the Month

July 2012

When Must Employers Pay for Employee Travel Time?

Part 1

The federal Fair Labor Standards Act (“FLSA”) and the U.S. Department of Labor’s implementing regulations create a somewhat confusing set of rules for determining when a **non-exempt employee** who is travelling on behalf of an employer must be paid for travel time. In general, employers are not required to pay employees for the time spent on a regular commute but must pay for most (but not all) other types of one-day work-related travel.

Regular Commute

The time an employee spends commuting is not considered hours worked under the FLSA, and therefore is not compensable. However, the employee should be paid if required to perform tasks or errands for the employer during the commute.

Commute to a Different Location

If an employee begins a work day by traveling to a location which is not a regular place of employment, the time spent traveling to that first site is generally not considered hours worked, so long as the site is not unreasonably far from the employee’s regular place of business. Any time getting to that location which exceeds the time for a reasonable commute, or exceeds the time the employee usually spends commuting, generally becomes compensable.

Emergency Commute

If an employee is called back to work in an emergency situation and asked to travel from home to a customer site (but not to a regular place of employment) outside of regularly scheduled work, the time traveling constitutes hours worked.

Travel During the Workday

The time an employee spends traveling from place to place during the work day as a regular part of the job, whether to visit customers or to travel between the employer work sites, is considered hours worked and thus compensable.

Out of Town Travel

If an employee has to travel to an out-of-town assignment and the travel is completed in one day, the time spent getting to the assignment or destination is compensable time. This is true even if the travel is completed outside of the employee’s normal work hours. However, when determining how much of that travel time is compensable, the employer can subtract the length of the employee’s regular commute. For example, an employee who normally commutes for one hour but is sent on a one-day assignment which takes two hours to reach must be compensated for one hour of that travel time. The rules for travel time change, though, if the employee is required to stay overnight.

Keep in mind that whether pay is due for travel is a fact specific determination, and the rules summarized here are generalized. For more information, contact a member of our [Employment Law Group](#).

Next Month: Part 2 - When is overnight travel compensable?



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