

## Fair Labor Standards Act (FLSA) Nonexempt Travel Time Pay Guidelines Overview

### Travel Time

The key to identifying whether travel time during the workday is compensable is determining whether the employees are engaged in travel as part of the employee's principal activity or for the convenience of the employer. Whether time spent traveling is paid work time for nonexempt employees depends on the type of travel involved. Travel time that is work time is subject to the overtime pay requirements of the FLSA.

Commuting Time	
Compensable Time	Non-compensable Time
Performing authorized work-related errands while commuting from home-to-work or from work-to-home.	Ordinary travel from home-to-work (commuting time).
Transporting or delivering materials or equipment to a job site prior to the start of the workday and/or returning materials or equipment at the end of the workday.	
Transporting other employees to work sites, to the office, or to their homes either before the workday or after the workday at management's request.	
Travel During the Workday	
Compensable Time	Non-compensable Time
Time spent in travel as a driver or a passenger as part of the employee's principal job activity (travel between job sites).	
One-Day Assignment in Another Town or City	
Compensable Time	Non-compensable Time
Time spent traveling to and returning from a one-day required assignment in another city or town regardless of whether employee is the driver or the passenger and regardless of whether the travel cuts across the normal work schedule.	Normal commuting time from home-to-work or departure from meeting site will be subtracted.
Time spent at required conference, meeting, event, etc.	Time not worked even if it cuts across the employee's regular work schedule. For example, the employee goes sightseeing instead of attending a conference session, or the conference sessions are only from 9 am to 3 pm, etc.
	Meal periods and social activities where attendance is not required and work is not performed.
Travel Away From Home Community (Overnight Travel)	
Compensable Time	Non-compensable Time
Any portion of authorized travel, including time spent waiting at an airport, bus station, etc., that cuts across an employee's normal work schedule, including non-workdays.	Any portion of authorized travel, including time spent waiting at an airport, bus station, etc., that falls outside of normal working hours including non-workdays.
If an employee travels between two or more time zones, the time zone associated with the point of departure determines whether the travel falls within normal work hours.	Riding as a passenger outside of normal work hours where work is not required.
Riding as a passenger when the driver is required to perform work. For example, to serve as an assistant or helper, respond to email, take business-related phone calls, etc.	Travel between hotel and conference, meeting, or event site.
Driving a vehicle, regardless of whether the travel takes place within or outside of normal work hours.	If an employee drives a car as a matter of personal preference when an authorized flight or other travel mode is available and paying for travel by car would exceed the cost of the authorized mode, only the estimated travel time associated with the authorized travel mode will be counted as hours worked.
Time spent attending authorized conferences, meetings, events, etc.	If the university authorizes hotel accommodations for overnight travel, but the employee prefers to drive home each evening.
Required attendance at meals or meal breaks where work is being performed.	Regular meal periods where work is not performed and attendance is not required.
Required attendance at social functions.	Voluntary attendance at social functions.
	Time spent outside of the conference or meeting. For example, the employee goes sightseeing instead of attending a conference session, or the conference sessions are only from 9am to 3pm, etc.
	Time spent sleeping unless the employee has the primary responsibility for the safety and welfare of students.

### Resources

- FLSA Hours Worked Advisor <http://webapps.dol.gov/elaws/whd/flsa/hoursworked/screenER49.asp>
- U.S. Department of Labor Fact Sheet #22 <https://www.dol.gov/whd/regs/compliance/whdfs22.pdf>
- U.S. Department of Labor Hours Worked Regulations <https://www.dol.gov/whd/regs/compliance/wh1312.pdf>