

FAIR LABOR STANDARD ACT (FLSA) & TRAVEL TIME GUIDELINES FOR OVERTIME ELIGIBLE EMPLOYEES

GENERAL RULES

- A. Excluding normal commuting time, employees should be compensated for all travel unless:
 - 1. It is overnight; or
 - 2. No work is performed.
- B. An employer may rearrange the work schedule within the workweek (Sunday – Saturday) to avoid additional compensation hours that may occur because 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.

I. COMMUTE TIME

Generally, an employee is not at work until he 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 only once the employee reaches the meeting place.

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:

- 1. Driving the vehicle between home and work is strictly voluntary and not a condition of employment;
- 2. The vehicle is a type normally used for commuting;
- 3. The employee incurs no costs for driving the employer's vehicle or parking it at home; and
- 4. The work sites are within normal commuting area of the employer's place of business.

NOTE: Unless there is a contract, custom or practice providing that an employee's regular daily travel time between home and the workplace is compensable, such travel time is not compensable. If such a contract, custom or practice exists, the travel time is compensable.

II. TRAVEL DURING THE WORKDAY

- A. Travel as a part of the employee'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 runs an errand (i.e., stops at a business or at home) for his or her own convenience, the time traveling to/from that site that adds additional time 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. The time the picked-up passengers spend traveling in the car is also compensable.

III. OUT OF TOWN TRAVEL – SPECIAL ONE (1) DAY ASSIGNMENT

- A. If the employee is assigned to work in another city for one (1) day and the travel is performed for the employer's benefit and at its request, it is part of the principal activity of the employee 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 considered commute time and, therefore, is compensable.

IV. OVERNIGHT TRAVEL

Travel that keeps an employee away from home overnight is travel away from home. Travel away from home is work time and is compensable.

- A. Travel time is compensable regardless of work schedule.

✪ Example: Employee drives to the airport to attend a seminar and has two co-workers as passengers with him/her. Whether the trip is made during normal workdays/workhours or non-normal workdays/workhours (i.e. Saturday or Sunday for an employee who works Monday through Friday) the travel time is compensable; all three employees are compensated.

- B. **Time spent at a motel** with freedom to use time for the employee's own purposes is not compensable.

- C. **Time Zone Changes** – If the time zone changes during the travel day, the hours should be calculated based upon “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 left Lawrence at 9:00 a.m. CST to travel to the airport and arrived at a hotel in Phoenix at Noon Pacific Standard Time (PST) (which is 2:00 CST). Actual hours of travel are 5 hours (9 am to 2:00 CST).

✪ **Example:** Employee left a hotel in San Francisco at 8 a.m. PST (which is 10:00 a.m. CST) to travel to the airport and board a return flight. Employee returns to Lawrence at 1:00 p.m. CST (11:00 p.m. PST). Actual hours of travel are 3 hours (10:00 a.m. to 1:00 p.m. CST).

Other Reference Materials may be found on this Human Resource Management (HRM) web page:

Fair Labor Standards Act (FLSA) at humanresources.ku.edu/flsa.

FLSA Terms and Definitions at humanresources.ku.edu/flsa-terms-definitions.

Compensatory Time Payouts at humanresources.ku.edu/document/342

University Fair Labor Standards Act (FLSA) Policy at policy.ku.edu/human-resources/fair-labor-standards-act.

University Overtime Compensation Policy at policy.ku.edu/human-resources/overtime-compensation-policy.

EXAMPLES FOR OVERTIME ELIGIBLE EMPLOYEE OVERNIGHT TRAVEL

OVERNIGHT TRAVEL

- A. When the travel takes place inside or outside the employee’s normal workdays or work hours; the employee is required to be compensated for the travel time to the airport or hotel, regardless of whether the employee is a driver or a passenger.
- B. The employee is compensated for all required conference events that require the employee to engage in training, attend a meeting, or listen to a speaker. The employee is not compensated for time at social events, meals without speakers or meals when work is not being performed.
- C. An employer, or the employee with prior approval of the employee’s supervisor, may rearrange the employee’s work schedule within the workweek to avoid additional compensation hours.
- D. If the time zone changes during the travel day, you will need to count “actual” hours. To determine work hours on travel days, use the Central Standard Time (CST) Zone for both days in order to avoid disadvantaging the employee due to time changes. For non-travel days, use local time.

Travel Example 1 – No Adjustments to Schedules

For this example, the conference began Sunday night at 5:15 pm with a business meeting and ended on Wednesday at Noon. The employee worked his/her normal schedule the days following the conference. No time zone differences.

Sunday

9:40 am - 10:40 am	Employee drives or rides to KCI airport (<i>compensated</i>)
10:40 am - 11:40 am	Waits for flight at KCI airport (<i>compensated</i>)
11:40 am - 4:00 pm	Takes plane flight (<i>compensated</i>)
4:00 pm - 5:15 pm	Arrives at OAK airport & takes shuttle to Oakland, CA, Hotel (<i>compensated</i>)
5:15 pm - 6:00 pm	Opening Business Meeting (<i>compensated</i>)
6:00 pm - 9:00 pm	Opening Reception – voluntary (<i>not compensated</i>)

Total compensation for the day is **8.25 hours** (for hours 9:40 am to 6:00 pm).

Monday

8:00 am - Noon	Conference Sessions – (<i>compensated</i>)
Noon – 12:30 pm	Lunch with no speaker - (<i>not compensated</i>)
12:30 pm - 4:30 pm	Conference Sessions – (<i>compensated</i>)

Total compensation for the day is **8 hours** (for hours 8:00 am to Noon and from 12:30 pm to 4:30 pm).

Tuesday

8:30 am - Noon	Conference Sessions – (<i>compensated</i>)
Noon – 12:30 pm	Lunch with speaker - (<i>compensated</i>)
12:30 pm - 4:30 pm	Conference Sessions – (<i>compensated</i>)

Total compensation for the day is **8 hours** (for hours 8:30 am to 4:30 pm).

Wednesday

8:30 am - Noon	Conference Sessions (<i>compensated</i>)
Noon – 4:00 pm	Employee leaves hotel, takes shuttle to OAK airport, takes flight, and arrives at KCI (<i>compensated</i>)
4:00 pm -6:00 pm	Employee drives or rides from KCI to Lawrence (<i>compensated</i>)

Total compensation for the day is **9.5 hours** (for hours 8:30 am – 6:00 pm)

Thursday (Back in office)

8:00 am -Noon	Worked (<i>compensated</i>)
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Noon – 1:00 pm Lunch on own (*not compensated*)
1:00 pm -5:00 pm Worked (*compensated*)

Total compensation for the day is **8 hours** (for hours 8 am to 5 pm).

Friday (Back in office)

8:00 am -Noon Worked (*compensated*)
Noon – 1:00 pm Lunch on own (*not compensated*)
1:00 pm -5:00 pm Worked (*compensated*)

Total compensation for the day is **8 hours** (for hours 8 am to 5 pm).

Total compensation for the week is 49.75 hours (i.e., 40 hours at regular time and 9.75 hours at compensatory time earned at the time and a half rate, i.e., 9.75 x 1.5 = 14.25).

Travel Example 2 - Adjusted Work Schedule

For this example, the supervisor has informed the employee that any hours incurred that may result in extra compensation will be adjusted in the remaining workweek. The supervisor has determined the employee should leave early on Thursday and not work on Friday. The conference began Sunday night at 5:15 pm with a business meeting and ended on Wednesday at Noon. No time zone differences.

Sunday

9:40 am - 10:40 pm Employee drives or rides to KCI airport (*compensated*)
10:40 am - 11:40 pm Waits for flight at KCI airport (*compensated*)
11:40 am - 4:00 pm Takes plane flight (*compensated*)
4:00 pm - 5:15 pm Arrives at OAK airport & takes shuttle to Oakland, CA, hotel (*compensated*)
5:15 pm- 6:00 pm Opening Business Meeting (*compensated*)
6:00 pm - 9:00 pm Opening Reception – voluntary (*not compensated*)

Total compensation for the day is **8.25 hours** (for hours 9:40 am to 6:00 pm).

Monday

8:00 am - Noon Conference Sessions – (*compensated*)
Noon – 12:30 pm Lunch with no speaker - (*not compensated*)
12:30 pm - 4:30 pm Conference Sessions – (*compensated*)

Total compensation for the day is **8 hours** (for hours 8:00 am to Noon and from 12:30 pm to 4:30 pm).

Tuesday

8:30 am - Noon Conference Sessions – (*compensated*)
Noon – 12:30 pm Lunch with speaker - (*compensated*)

12:30 pm - 4:30 pm Conference Sessions – (*compensated*)

Total compensation for the day is **8 hours** (for hours 8:30 am to 4:30 pm).

Wednesday

8:30 am - Noon Conference Sessions (*compensated*)

Noon – 4:00 pm Employee leaves hotel, takes shuttle to OAK airport, takes flight, and arrives at KCI (*compensated*)

3:00 pm - 6:00 pm Employee drives or rides from KCI to Lawrence (*compensated*)

Total compensation for the day is **9.5 hours** (for hours 8:30 am – 6:00 pm)

Thursday (Back in Office)

8:00 am -Noon Worked (*compensated*)

Noon – 1:00 pm Lunch (*not compensated*)

1:00 pm - 3:15 pm Worked (*compensated*)

3:15 pm – 5:00 pm No Work Performed (*not compensated*)

Total compensation for the day is **6.25 hours** (for hours 8 am to 3:15 pm). No leave is reported.

Friday (No work performed)

8:00 am – 5:00 pm No Work Performed (*not compensated*). No leave is reported.

Total compensation for the day is **0 hours**

Total compensation for the week is 40.00 hours.

Travel Example 3 – Time Zone Change

For this example, the employee’s workstation is in Lawrence, Kansas (CST) and the conference is located in Oakland, CA, which is in the PST time zone (i.e., 2 hours earlier). The conference began Sunday night at 5:15 pm (PST) with a business meeting and ended on Tuesday at Noon (PST).

Sunday (Travel day, so using CST).

Actual times shown are CST [*PST is shown in brackets*]

9:40 am - 10:40 am Employee drives or rides to KCI airport (*compensated*)

10:40 am- 11:40 am Waits for flight at KCI airport (*compensated*)

4:00 pm - 5:15 pm [*2:00 pm - 3:15 pm*] Arrives at OAK airport & takes shuttle to Oakland, CA, hotel (*compensated*)

5:15 pm - 6:00 pm [*3:15 pm – 4:00 pm*] Opening Business Meeting (*compensated*)

6:00 pm - 9:00 pm [*4:00 pm-7:00 pm*] Opening Reception -voluntary (*not compensated*)

Total compensation for the day is **8.25 hours** (for hours 9:40 am to 6:00 pm CST).

Monday

Actual times shown are PST as “local” time

8:00 am - Noon	Conference Sessions – (<i>compensated</i>)
Noon – 12:30 pm	Lunch with no speaker - (<i>not compensated</i>)
12:30 pm - 4:30 pm	Conference Sessions – (<i>compensated</i>)

Total compensation for the day is **8 hours** (for hours 8:30 am to Noon and from 12:30 pm to 4:30 pm PST).

Tuesday (Travel day, so using CST)

Actual times shown are CST [*PST is shown in brackets*]

10:30 am – 2:00 pm [<i>8:30 am - Noon</i>]	Conference Sessions – (<i>compensated</i>)
2:00 pm -6:00 pm [<i>Noon - 4:00 pm</i>]	Employee leaves hotel, takes shuttle to OAK airport, takes flight, and arrives at KCI (<i>compensated</i>)
6:00 pm – 8:00 pm	Employee drives or rides from KCI to Lawrence (<i>compensated</i>)

Total compensation for the day is **9.5 hours** (for hours 10:30 am – 8:00 pm CST)

Total compensation for the 3 days (Sunday, Monday and Tuesday) is 25.75 hours.



If you have any questions, please contact:

Human Resource Management

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