

TRAVEL TIME FOR CLASSIFIED EMPLOYEES

The type of travel involved determines whether time spent in travel is working time.

1. Home to Work Travel

An employer is not required to compensate an employee for time spent "walking, riding, or traveling to and from the actual place of performance of the principal activity or activities," unless the travel time is compensable by contract, custom, or practice. Ordinary travel from home to work need not be counted as hours worked, even if the employer agrees to pay for it.

However, there may be instances when travel from home to work is work time. For example, if an employee who has gone home after completing his/her day's work is subsequently called out at night to travel a substantial distance to perform an emergency repair, all time spent on travel for the emergency is considered working time.

2. Business Travel

a. Travel For One-Day Assignments/Emergencies

Travel between cities as part of special one-day assignments away from an employee's home community and not including an overnight stay, as well as travel time resulting from emergency work situations during non-work hours, are compensable work hours. For example, if an employee must fly from San Francisco to Los Angeles on a special one-day assignment, compensable time accrues from the moment he arrives at the San Francisco airport in the morning until the time that he leaves the Los Angeles airport in the evening to return home.

Emergency situations are treated the same way. If an employee has gone home after completing his/her day's work and is called out to travel a substantial distance to perform an emergency job for his/her employer, all time spent on such travel is working time.

b. Business Travel - Overnight Business Trips

If travel keeps an employee away from home overnight, travel time is considered work time only when it cuts across the employee's typical workday. Compensable travel time in such situations includes not only hours worked on regular working days during normal working hours, but also during corresponding hours on typical non-working days (usually Saturdays and Sundays). If the employee's normal work shift is 9 to-5, Monday through Friday, and the employee travels out of town between 1 and 3 p.m. on a Saturday, those hours are compensable. However, if the travel were to take place after Friday at 5 p.m., or on Saturday before 9 a.m., then the travel time would not be compensable (unless the employee drives to the destination – see below).

If an employee is a passenger on a train, boat, bus, car or plane outside of working hours, then that time is not compensable. If, however, an employee actually does work for the employer while a passenger (e.g. preparing for a meeting) then the time is compensable for the work done, not for the travel.

Any time that an employee spends driving to get to and return from an overnight business trip is considered compensable hours worked if the employee is operating the vehicle, except that the time an employee spends traveling between home and an airport, train, or bus station is not counted as hours worked, even if it is within the employee's regular business hours. That time is considered non-compensable normal commuting time.

In general, travel during regular working hours is almost always compensable, whether the employee travels as a passenger or not. In any event, once active travel is complete, and an employee is free to use his/her time for personal pursuits, such time is no longer considered work time and is therefore not compensable, even if the employee must remain away from home overnight.

It is the practice of the District in respect with weekend travel to round off travel time, when considered as time worked, to the nearest one-half shift.

c. Compensability of Various Travel Time Activities

Description of Travel Time	Compensability under the FLSA
Ordinary home-to-work travel time	Not compensable
Travel time from designated meeting place, where instructions, tools, or the like are conveyed to employee, to place of work	Compensable
Travel time from job-site to job-site	Compensable
Travel time for special one-day assignments in cities other than the home community	Compensable
Travel time to site of emergency work	Compensable
For travel that keeps employee away from home overnight, travel time during normal working hours	Compensable
For travel that keeps employee away from home overnight, travel time outside normal working hours and in which the employee is the operator of the motor vehicle	Compensable
Travel time as a passenger and outside normal working hours	Not compensable
Personal time spent on a business-related trip away from the home community	Not compensable

FLSA Portal-to-Portal Act 1947;
 29 U.S.C. § 254(a)(1) (2006); 17 29 C.F.R. 785.38 (2006);
 29 C.F.R. § 790.7 (2005); 29 C.F.R. 785.36 (2006); 29 C.F.R. § 785.39 (2006);
 29 C.F.R. § 790.7 (2005); 29 C.F.R. 785.16 (2006).