

## EMPLOYEE TRAVEL AWAY FROM HOME INVOLVING AN OVERNIGHT STAY

Does any part of the employee's travel occur during her/his regularly scheduled work hours?

Yes

The part of the travel occurring during the employee's regular hours of work **is probably** hours worked.

If your employee is a passenger and some part of the travel occurs outside of regular work hours, **the travel time outside the employee's regular work hours** is probably **not** hours worked. If the employee is driving, or otherwise working while traveling, any work which your employee is required to perform while traveling must be counted as hours worked.

No

Is the employee driving while traveling, as opposed to being a passenger in a car, bus, train, or airplane, etc?

Yes

If the employee is driving while traveling, the travel time outside of the employee's regular work hours could be considered hours worked, depending on the circumstances.

No

If your employee is a passenger and the travel occurs outside of regular work hours, **the travel time outside the employee's regular work hours** is probably **not** hours worked. If the employee is otherwise working while traveling, any work which the employee is required to perform while traveling must be counted as hours worked.

## **Home-To-Work and Return, Special One-Day Assignment**

Different rules apply when your employee regularly works at a fixed location in one city and is given a special one-day assignment in another city.

For example, your employee who works in Washington, D.C., with regular working hours from 9 a.m. to 5 p.m., is given a special assignment in New York City. He or she is instructed to leave Washington, D. C. at 8 a.m. He or she arrives in New York City at 12 noon, ready for work. The special assignment is completed at 3 p.m., and the employee arrives back in Washington, D.C. at 7 p.m.

Such travel cannot be regarded as ordinary home-to-work travel. It was performed for your benefit and at your special request to meet the special needs of the company and the assignment. This type of travel would qualify as a necessary part of the principal activity, which the employee was hired to perform on this particular workday.

However, all the time involved, need not be considered as hours worked. The travel between your employee's home and the airport or other public transportation terminal is normal home-to-work travel and is not hours worked. The balance of the time between 8 a.m. and 7 p.m. is hours worked, with the exception of meal periods.

If your employee is driving to complete his or her special assignment, click on the underlined text to determine whether the travel time is hours worked.

[The above information is from the US. Dept. of Labor and may be found at <http://www.dol.gov/elaws/esa/flsa/hoursworked/screenER65.asp>]