

## Rules on compensating employees for travel time

### **When is employee travel time considered compensable time?**

Generally, employers should pay their employees for all travel time which occurs during regular working hours where work is being done.

### **Travel time to and from work is generally not compensable.**

Normal commute time is generally not compensable. The Portal-to-Portal Act says employers are not responsible for paying the minimum wage or overtime compensation for time spent in “walking, riding or traveling to and from the actual place of performance of the principal activity or activities which such employee is employed to perform either prior to the time on any particular workday at which such employee commences, or subsequent to the time on any particular workday at which he ceases, such principal activity or activities.”

An exception to this rule is when the employee has an express contract, such as a collective bargaining agreement, to be paid for the travel time, or when it is customary to pay for travel time.

### **Travel that is all in a day's work is generally compensable.**

The Code of Federal Regulations states that, “Time spent by an employee in travel as part of his principal activity, such as travel from job site to job site during the workday, must be counted as hours worked.” If an employee is normally required to report to a designated place at the beginning and the end of the day, all work related travel time between those times is considered compensable time. If the employee goes home directly

after going to the final job site, that normal commute time is not compensable.

Likewise, the employee's time is compensable if the employee is required to report to a specific location to pick up materials, instructions, equipment or other employees before traveling to the work site. Compensable time begins at the time the employee reports to the specific location.

### **Travel for a specific one-day assignment in another city is generally compensable.**

If an employee is required to complete a specific work assignment (such as meet with a client) in another city, the time spent commuting from the principal place of work to the location of the assignment and back again is considered compensable time. In this case, the travel time is for the benefit of the employer at the employer's request. Thus, it qualifies as a “principal activity” which the employee was employed to perform.

Note that travel time to optional training activities is not necessarily compensable. Contact CTSI for more information about travel time to off-site training.

### **What does this mean for counties?**

To avoid lawsuits, counties should make sure that they are compensating their employees for all travel time that occurs for the benefit of the county.

If you have any questions, please contact CTSI at 303-861-0507.