

Employees on the Move: When Is Traveling Compensable?

10/02/17

It's obvious that an employee's commute to work is not typically compensable; however, employers should know that time spent traveling to work can sometimes be considered work time for nonexempt employees. Employers should be aware of the specific instances when traveling is compensable and track their employees hours in this regard to ensure that employees are properly compensated.

The Fair Labor Standards Act ("FLSA") provides that the normal time employees spend traveling from home to work is not compensable, regardless of whether the employee works at a fixed location or multiple job sites. However, if a nonexempt employee must travel to another city during their work day for a one-day special assignment, that time can be compensable. The FLSA regulations provide the following example: If an employee is required to travel by train to New York from Washington D.C. for a special assignment and return home on the same day, the time the employee spends traveling back and forth is compensable. However, the employer may be able deduct the time the employee spent driving from his home to the train station, depending on the specific situation.

Similarly, time spent driving during an overnight trip away from the employee's home also may be compensable as work time under the FLSA.

Lastly, even if a nonexempt employee is not traveling out of town, time spent driving locally from worksite to worksite during the employee's working hours is typically compensable.

TAKEAWAY: track the time your nonexempt employees spend traveling on special assignments and driving from job site to job site during their regular work day to ensure that they are being properly compensated.

Attorney

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