

## Calculating Compensable Time for Non-Exempt Staff While Traveling

HR gets frequent requests for information about what is compensable under the Fair Labor Standards Act for travel time or compensable time for out of town conferences or other related assignments. **One item of note is that in almost every circumstance, a supervisor has complete control over whether or not to allow an employee to work overtime** (hours over 40 during the Sunday – Saturday workweek). The key is communication and pre-approvals.

### Out of Town Travel during the Work Day (Same Day Travel)

Generally, all of the travel time within the day is compensable even if it outside of the employee’s normal work hours except:

- If the travel is outside of the normal work schedule and the employee is a passenger in a vehicle (and not performing required work – preapproved by the supervisor)

Example:

*Two non-exempt (classified) staff are required to drive to Spokane for a same day training session. Their regular schedules are 8 – 5 (noon -1 off for lunch). The session runs from 8 – 5 with a one hour lunch break. They leave the campus at 6 a.m. and return by 8 p.m. having stopped for dinner on the way back.*

Hours	Paid time for driver?	Paid time for passenger?	Why?
6 am - 8	yes	no	Driving time is paid outside of regular schedule; passenger time is not
8-noon	yes	yes	Regular work schedule; at training
noon - 1	no	no	Lunch - even if hosted by training
1-5	yes	yes	Regular work schedule; at training
5-6	no	no	Stop for dinner
6pm -8	yes	no	Driving time is paid outside of regular schedule; passenger time is not

<b>Hrs. Paid</b>	<b>12</b>	<b>8</b>
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## Overnight Travel (Travel Away From Home)

Travel time that keeps a non-exempt employee away from home overnight is travel away from home. The actual movement from one location to another is considered travel. The travel time that cuts across the employee's regular work day hours is compensable even if it is on non-workday. If they work M – F, 8 – 5, time working or traveling on Saturday or Sunday during the hours of 8 – 5 is also compensable, minus a lunch period.

Time at the location performing work, attending a conference, workshop or training session is treated like we do if they were still at their home work station. Conferences, workshops, training sessions have specific exceptions as noted below.

### Overnight Travel Compensable Time or Not?

Yes	No
Work or attending required meetings during the regularly scheduled work hours	Meal periods or free time (e.g. in hotel room). Example, if the conference session starts at 9:00, that is the beginning of the work day - not the period between 8 am and 9 in the hotel or eating breakfast.
Travel inside or outside of regular scheduled work hours if driving regardless of day; Travel as a passenger if during regular hours regardless of the day	Travel outside of regular scheduled work hours if a passenger in a car, plane etc.
Attending required meetings, workshops, trainings outside of scheduled work hours regardless of the day	Meetings, workshops or training if voluntary & non-job related & outside of work hours & no other work is performed
Performing required work tasks outside of scheduled hours regardless of the day	Attending social events after hours is generally considered optional unless the supervisor specifically assigns attendance and participation
	Meal periods or time spent freely like that in a hotel room with freedom to use the time for the employee's own purposes is not compensable.

## Example 2

Note. Calculations are on actual hours so time changes should not affect the determinations. It's easiest to convert the time frames to Moscow time.

*Two non-exempt (classified) staff are required to fly from Pullman to Dallas on Thursday for a Friday meeting. They fly home Saturday. Their regular schedules are 8 – 5 (noon -1 off for lunch). They fly from Pullman from 4pm to 10pm (midnight Dallas time). The meeting is 8-6 Friday with one hour for lunch. Return flight is 8am (Dallas time) to noon to Pullman.*

### Dallas Trip

Hours Thursday	Paid Time	Why?
8-4	yes	Regular work schedule
4-5	yes	Travel inside of regular work hours
5-10	no	Travel as passenger outside of work hours
<b>Hrs. Paid</b>	<b>8</b>	

Hours Friday	Paid Time	Why?
8-6	Yes	Meeting time matched work schedule plus one hour. Although it was on Dallas time, it is still 9 hours of required meeting/work time.
<b>Hrs. Paid</b>	<b>9</b>	

Hours Saturday	Paid Time	Why?
8 (Dallas time) to noon (Moscow time)	Partially	Converting to Moscow time, the flight was from 6 am - noon. Only the time crossing the regular 8-5 schedule is compensable. Thus, time from 8-noon is compensable.
<b>Hrs. Paid</b>	<b>4</b>	

**The key, and an absolute requirement is to have anything outside of a regular schedule approved in advance by the supervisor. Failure to do so will likely result in disciplinary action for the employee. The supervisor may adjust hours within the workweek to offset the extra travel hours required.**

Not all situations are covered in this document. Call your HR Business Partner to discuss other situations.