Compensable Time Fact Sheet

What the Federal Law Says:

**Travel Time**

*Not Considered Work Time*

- **Travel as a passenger:** Any time spent traveling away from home outside of regular working hours (defined as 8:00 AM – 5:00 PM) as a passenger on an airplane, train, boat, bus or automobile will not be considered work time.

- **Downtime:** Time spent away from home while not in travel status, and not spent attending required event functions would not be compensable. Ex: Travel time to/from and spent at a place that is for his/her own convenience (mall, sightseeing, etc.) or time spent not working or traveling (in hotel watching television, etc.) is not compensable.

- **Home to Work Travel:** Any employee who travels from home before the regular workday and returns home at the end of the workday is engaged in ordinary home to work travel, which is not considered work time.

- **Meal periods:** Not considered work time if the employee is relieved of all duties and responsibilities. Meal periods should be deducted from travel time. Generally, the meal period must be at least 30 minutes long to be considered non work time.

*Considered Work Time*

- **Travel as a driver:** All authorized travel time spent driving an automobile is treated as work hours, regardless of whether the travel takes place within normal work hours or outside normal work hours. An employee will receive his or her regular hourly rate for all travel time spent as the driver of an automobile and this time will be factored into overtime calculations.

- **Travel as a passenger:** If an employee is a passenger on an airplane, train, boat, bus or automobile, only regular working hours (defined as 8:00 AM – 5:00 PM) would be compensable.

- **Home to Work on a Special One Day Assignment in Another City:** An employee who regularly works at a fixed location in one city is given a special one day assignment in another city and returns home the same day. The time spent traveling to and returning from the other city is work time, except that the employer may deduct/not count that time the employee would normally spend commuting to the regular work site.

- **Travel that is all in a Day’s Work:** Time spent by an employee in travel as part of their principal activity, such as travel from job site to job site during the workday, is work time and must be counted as hours worked.
**Travel Time Example #1**

Adam’s employer operates on a Sunday through Saturday workweek, and Adam is regularly scheduled to work from 8:00 AM – 5:00 PM Monday through Friday, with one hour off for lunch (usually 12:00 PM – 1:00 PM). One week, Adam must travel on a Sunday from 10:00 AM – 4:00 PM to go to from Athens, Ohio to Baltimore, Maryland for a Monday meeting and then work his regularly scheduled 40 hours from Monday through Friday. He is entitled to 5 hours of overtime pay for the week because his travel time (minus one hour for his regular lunch break) must be added to his regular work hours for a total of 45 hours worked for the week.

**Travel Time Example #2**

An employee drives to the airport to attend a seminar and has two co-workers as passengers with him. If the trip is made before or after normal work hours, only the driver receives compensation as only the driver is working. If the trip is made during normal work hours, all three employees are compensated because travel during normal work time is compensable. Time spent in a hotel with freedom to use time for the employee’s own purpose is not compensable.

**Travel Time Example #3**

Susan’s employer operates on a Sunday through Saturday workweek, and she is regularly scheduled to work from 8:00 AM – 5:00 PM Monday through Friday, with one hour off for lunch (usually 12:00 PM – 1:00 PM). Susan drives to Toledo on Monday from 6:00 AM – 9:00 AM for high school recruiting visits. She visits two high schools in the morning, one from 9:00 AM – 10:00 AM and one from 10:30 AM – 12:00 PM, with a lunch break from 12:00 PM – 1:00 PM. Susan has from 1:00 PM – 2:00 PM open and a career fair from 2:00 PM – 4:00 PM. Her open hour in between events would be considered compensable time, as it would be assumed that she would partake in administrative duties (answer e-mails/phone calls) and prepare for the next event at this time (“engaged to wait”). At the conclusion of the career fair Susan drives home from 4:00 PM – 7:00 PM. Susan would be compensated from 6:00 AM – 7:00 PM (minus the one hour lunch break). Assuming she works the rest of her regular hours for the week, she will be entitled to 4 hours of overtime (12 hours Monday + 32 hours Tuesday-Friday = 44 hours).