

# OM 4.3.6 Policy on Compensation for Travel Time - Non-Exempt Employees

[ [Purpose](#) ] [ [Summary](#) ] [ [Policy Statement](#) ] [ [Procedures](#) ] [ [History](#) ]

About This Policy	
<b>Effective Date:</b> November 2016 <b>Last Updated:</b> November 2016 <b>Responsible University Office:</b> Human Resources <b>Responsible University Administrator:</b> Chief Inclusion and Human Resources Officer	<b>Policy Contact:</b>  Human Resources <a href="mailto:clarksonhr@clarkson.edu">clarksonhr@clarkson.edu</a>

## Purpose

Clarkson University recognizes travel time that constitutes work time must be compensated as such, according to the Fair Labor Standards Act (FLSA). Time that an employee spends traveling as part of their principal activity, such as travel time from job site to job site during the workday, must be counted as hours worked. When an employee is required to report at a meeting place to receive instructions, pick up tools, or to perform additional work, the travel time from the designated place to the workplace is part of the day's work and must be counted as hours worked.

[back to top](#)

## Summary

Employees in positions classified as non-exempt under the Fair Labor Standards Act (FLSA) are eligible for compensation for the traveling time. The compensation an employee receives depends on the mode of travel and whether the travel time takes place within normal work hours.

[back to top](#)

## Policy Statement

This policy recognizes that from time to time University employees may be required to travel outside of their normal commute in order to further the purpose and mission of the University. This policy defines non-exempt travel and when it is compensable.

[back to top](#)

## Procedures

Non-exempt positions within the University may require travel time in the United States and abroad. The purpose of this policy is to state the compensate rules that apply to non-exempt employees when traveling on University business.

International travel for non-exempt employees needs to be approved through Human Resources prior to the trip being scheduled.

Employees in positions classified as non-exempt under the Fair Labor Standards Act (FLSA) are eligible for compensation for the time they spend traveling. The compensation an employee receives depends on the mode of travel and whether the travel time takes place within normal work hours.

The University recognizes that while traveling, unforeseen incidents may arise. CU will consider fair and reasonable compensation if the traveler is subjected to unforeseen delays that are beyond control of the traveler. Approval will be needed by the department head and Human Resources.

## Normal Work Hours Defined

"Normal work hours," for the purposes of this policy, are defined as 8:00 a.m. to 4:30 p.m. and applies to normal workdays (Monday through Friday) and to weekends (Saturday and Sunday).

## Compensability of Travel Time for Non-Exempt Employees

### Ordinary Commuting Time

- Ordinary travel between home and work prior to and subsequent to performance of an employee's principal work activities is not counted as hours worked regardless of whether the employee reports to a fixed location or to a different job site each day. However, time spent traveling

between home and work in an emergency or call-out situation is counted as hours worked if the employee is required to travel a substantial distance (for example, to a remote customer location) to perform the emergency or call-out work.

#### Travel Time Within Normal Work Hours

- Any portion of authorized travel time that takes place within normal work hours (defined as 8:00 a.m. to 4:30 p.m.) on any day of the week, including Saturday and Sunday, is treated as work hours. Travel time within normal work hours will be paid at the employee's regular hourly rate and will be factored into overtime calculations.
- When an employee travels between two or more time zones, the time zone associated with the point of departure should be used to determine whether the travel time falls within normal work hours

#### Travel Time Outside Normal Work Hours

- Any portion of authorized travel time (with the exception of driving time) that takes place outside of normal work hours is considered to be outside travel hours.
- When a non-exempt employee is required to travel as a passenger in an automobile, plane or any other mode of transportation outside of normal work hours, is considered non compensable.
- When an employee travels between two or more time zones, the time zone associated with the point of departure should be used to determine whether the travel time falls outside of normal work hours.

#### Travel During a Work Day

- All travel time that occurs after the employee reports to his or her initial work location and prior to traveling home at the end of the work shift must be counted as hours worked.
  - Example #1: If an employee reports to his principal job site at 9:00 a.m., but spends time during the work day traveling from one job site to another before completing his/her duties at 5:00 p.m. and going directly home from the final job site, all of the time spent traveling from one job site to another between 9:00 a.m. and 5:00 p.m. is counted as hours worked. The time spent by the employee traveling home from the final job site at the end of the work day is not counted as hours worked because it is ordinary commuting time (see above).
  - Example #2: Suppose the employee in Example #1 completes his/her duties at the final job site at 5:00 p.m., but is then required to report back to the principal job site to drop off tools or equipment. The time spent by the employee traveling back to the principal job site is counted as hours worked.

#### Travel on a Special One-Day Assignment

- Time spent traveling on a special one-day assignment outside the city where the employee's regular work activities are performed is counted as hours worked.
  - Example: Suppose an employee is regularly employed in Ogdensburg with hours from 9:00 a.m. to 5:00 p.m., but is asked to travel to Syracuse on a special one-day assignment that does not require an overnight stay. If the employee leaves Ogdensburg at 6:30 a.m. in order to arrive in Syracuse by 9:00 a.m., and returns home at 7:30 p.m. after completing the assignment in Syracuse at 5:00 p.m., the employee must be compensated from 6:30 a.m. to 7:30 p.m. for that day. The usual 30-minute meal period, however, may be excluded from the employee's hours worked, provided the employee took a 30-minute meal break.
  - For this type of travel, it is irrelevant whether the employee drives himself or herself to the special assignment or whether the employee is a passenger in an airplane, train, boat, bus, or automobile. However, the time spent by the employee traveling from home to an airport, train station, bus station, etc., and then back home from the airport, train station, bus station, etc., is not counted as hours worked because that is considered to be ordinary commuting time.

#### Out-of-Town Travel Requiring an Overnight Stay

- All out-of-town travel that keeps an employee away from home overnight is counted as hours worked during the hours that correspond to the employee's regular work day, whether or not the travel actually occurs on a regular work day.
  - Example: For example, if an employee regularly works from 7:00 a.m. to 3:00 p.m. on Monday through Friday, out-of-town travel (which results in an overnight stay) between those hours is compensable, even if the travel occurs on a Saturday or Sunday.
  - If the out-of-town travel requiring an overnight stay occurs outside an employee's regular work hours, the compensability of the travel time depends on the nature of the travel.
  - If the employee drives himself to the destination, the travel time is compensable even if it occurs outside the employee's regular work hours.
  - If the employee is merely a passenger on an airplane, train, boat, bus, or automobile, the travel time is not compensable, unless the employee actually performs work while traveling.
  - If the employee is offered public transportation, but requests permission to drive instead, the Employer may count as hours worked either the time spent driving the car or the time that would have been compensable had the employee accepted the public transportation (i.e., the hours corresponding to the employee's regular work day).
  - If two employees are required to travel out of town on an assignment requiring an overnight stay, and the employees drive together outside of their regular working hours, the employee who actually drives must be compensated for the travel time while the employee who sits as a passenger in the vehicle is not required to be compensated for the travel time. If the employees agree to share the driving time equally, each employee must be compensated for half the travel time.

#### Travel Time as the Driver of an Automobile

All authorized travel time spent driving an automobile (as the driver, not as a passenger) 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 in an automobile is not automatically treated as work hours. Travel as a passenger in an automobile is treated the same as all other forms of travel, and compensation depends on whether the travel time takes place within normal work hours.

If an employee drives a car as a matter of personal preference when an authorized flight or other travel mode is available, and the travel time by car would exceed that of the authorized mode, only the estimated travel time associated with the authorized mode will be eligible for compensation.

#### Non Compensable:

- Regular Meal Periods.
- Riding as a passenger outside of normal work hours, via plane, train, boat, bus or automobile does not count as hours worked. The act of riding as a passenger is not considered work.
- Time spent sleeping does not count as time worked.
- Time spent waiting at the airport outside of normal work hours does not count as hours worked.
- Travel time between home and work or between hotel and worksite is considered normal commuting time and does not count as work time.

#### Calculating and Reporting Travel Time

Employees are responsible for accurately tracking, calculating and reporting travel time on their timesheets in accordance with this policy. Meal periods should be deducted from all travel time.

If an employee requests a specific travel itinerary or mode that is different from the one authorized, only the estimated travel time associated with the authorized schedule, route and mode of transportation should be reported on the timesheet.

Travel time should be calculated by rounding up to the nearest quarter hour

[back to top](#)

## History

Approved November 2016

[back to top](#)