

Compensable vs. Non-Compensable Travel Time

Summary of DOL Regulations:

	Compensable	Non-Compensable
Waiting time	Engaged to wait	Waiting to be engaged
	Employee is unable to use the time effectively for his own purposes	Employee is completely relieved from duty long enough to enable him to use the time effectively for his own purposes
Traveling Away	Travel that cuts across employee's workday	Time spent in travel outside of regular working hours as a passenger on an airplane, train, boat, bus, or automobile
	During regular working days, during normal working hours, also during corresponding hours on nonworking days	Bona fide meal periods during travel
	Employee drives a truck, bus, automobile, boat or airplane, or an employee who is required to ride therein as an assistant or helper	Permitted to sleep in adequate facilities furnished by the employer during travel
	Interruption of sleep by a call of duty is time worked. If employee cannot get at least 5 hours' sleep during the scheduled period, the entire time is working time	Scheduled sleeping period of not more than 8 hours from hours worked, provided adequate sleeping facilities are furnished by employer
On-Call	Employee is required to remain on the employer's premises or so close that he cannot use the time effectively for his own purposes	Employee is not required to stay on premises, but leave information where he may be reached
Meal Period	Employee is required to perform any duties, whether active or inactive, while eating	Employee completely relieved from duty for purposes of eating a regular meal
Other	Work not requested but suffered or permitted	
	If employer knows or has reason to believe that work is being performed	

Examples:

- Transportation (airplane, train, boat, bus, or automobile) – Is employee required to ride as an assistant or helper?
 - Yes – compensable
 - No BUT travel time is within regular working hours (including those hours on non- working days) - compensable
 - No AND travel time is outside of regular working hours – non-compensable
- Travel to/from and engaging in meals – Is employee required to perform active or inactive duties?
 - Yes – compensable
- Tours – Is employee required to accompany students as an assistant/helper or as part of their personal time?
 - Assistant or helper – compensable
 - Personal time – non-compensable

US Department of Labor – Wage and Hour Division Regulation Details

Waiting Time: Whether waiting time is hours worked under the Act depends upon the particular circumstances. Generally, the facts may show that the employee was engaged to wait (which is work time) or the facts may show that the employee was waiting to be engaged (which is not work time). For example, a secretary who reads a book while waiting for dictation or a fireman who plays checkers while waiting for an alarm is working during such periods of inactivity. These employees have been "engaged to wait." The employee is unable to use the time effectively for his own purposes; it belongs to and is controlled by the employer. Periods during which an employee is completely relieved from duty, and which are long enough to enable him to use the time effectively for his own purposes, are not hours worked.

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 Away from Home Community: Travel that keeps an employee away from home overnight is travel away from home. Travel away from home is clearly work time when it cuts across the employee's workday. The time is not only hours worked on regular working days during normal working hours but also during corresponding hours on nonworking days. As an enforcement policy the Division will not consider as work time that time spent in travel away from home outside of regular working hours as a passenger on an airplane, train, boat, bus, or automobile. An employee who drives a truck, bus, automobile, boat or airplane, or an employee who is required to ride therein as an assistant or helper, is working while riding, except during bona fide meal periods or when he is permitted to sleep in adequate facilities furnished by the employer.

On-call Time: An employee who is required to remain on call on the employer's premises or so close thereto that he cannot use the time effectively for his own purposes is working while "on call". An employee who is not required to remain on the employer's premises but is merely required to leave word at his home or with company officials where he may be reached is not working while on call.

Meal Period: The employee must be completely relieved from duty for the purpose of eating regular meals. The employee is not relieved if he is required to perform any duties, whether active or inactive, while eating.

Duty of 24 hours or more: Where an employee is required to be on duty for 24 hours or more, the employer and the employee may agree to exclude bona fide meal periods and a bona fide regularly scheduled sleeping period of not more than 8 hours from hours worked, provided adequate sleeping facilities are furnished by the employer and the employee can usually enjoy an uninterrupted night's sleep.

Interruptions of sleep: If the sleeping period is interrupted by a call to duty, the interruption must be counted as hours worked. If the period is interrupted to such an extent that the employee cannot get a reasonable night's sleep, the entire period must be counted. For enforcement purposes, the Divisions have adopted the rule that if the employee cannot get at least 5 hours' sleep during the scheduled period the entire time is working time.

Work not requested but suffered or permitted is work time, also applicable to work performed away from the premises. If employer knows or has reason to believe that the work is being performed, he must count the time as hours worked.