

Non-Exempt Employee FLSA **Travel** Pay Chart

Travel Category	Compensable Time (Paid Time)	Non-Compensable Time (Unpaid Time)	Corresponding Regulation
Commuting	<ul style="list-style-type: none"> • Performing authorized work-related errands while commuting from home to work or from work to home; • Transporting or delivering materials or equipment to a job site prior to the start of the work day and/or returning materials or equipment after the end of the work day; • Transporting other employees to work sites, to the office, or to their homes either before or after the workday at management request. 	<ul style="list-style-type: none"> • Ordinary travel from home to work (commuting time). 	<p>§785.35 – Home to work; ordinary situation</p> <p>§785.38 – Travel that is all in the day’s work</p>
Travel during the Work Day	<ul style="list-style-type: none"> • Time spent in travel as part of the employee’s principal job activity (i.e., travel between job sites). 		<p>§785.38 – Travel that is all in the day’s work</p>
One-Day Assignment in another Town or City	<ul style="list-style-type: none"> • Time spent traveling to and returning from a one-day required assignment in another city or town regardless of whether employee is the driver or the passenger, and regardless of whether the travel cuts across the normal work schedule; • Time spent at required conferences, meetings, etc. 	<ul style="list-style-type: none"> • Normal commuting time will be subtracted; • Time not worked even if it is during the employee’s regular work schedule; • Meal periods and social activities where attendance is not required and work is not performed. 	<p>§785.35 – Home to work; ordinary situation</p> <p>§785.37 – Home to work on special one-day assignment in another city</p>

Travel Category	Compensable Time (Paid Time)	Non-Compensable Time (Unpaid Time)	Corresponding Regulation
Travel Away From Home Community (Overnight Travel)	<ul style="list-style-type: none"> • Any portion of authorized travel, including time spent waiting at an airport, bus station, etc., that is during an employee’s normal work schedule, including non-work days; • If an employee travels between two or more time zones, the time zone associated with the point of departure determines whether the travel falls within normal work hours; • Riding as a passenger when the employee is required to perform work (for example, to serve as an assistant or helper, respond to email, take business-related phone calls, etc.); • Driving a vehicle, regardless of whether the travel takes place within or outside normal work hours; • Time spent attending authorized conferences, meetings, etc.; • Required attendance at meals or meal breaks where work is performed; • Required attendance at social functions. 	<ul style="list-style-type: none"> • Any portion of authorized travel, including time spent waiting at an airport, bus station, etc., that falls outside of normal work hours; • Riding as a passenger outside of normal work hours where work is not required; • Travel between hotel and meeting site; • If an employee drives a car as a matter of personal preference when an authorized flight or other travel method is available and paying for travel by car would exceed the cost of an authorized method, only the estimated travel time associated with the authorized method will be counted as hours worked; • If the University authorizes hotel accommodations for overnight travel but the employee prefers to drive home each evening; • Regular meal periods where work is not performed and attendance is not required; • Voluntary attendance at social functions; • Time spent outside of the conference or meeting; • Time spent sleeping unless the employee has the primary responsibility for the safety and welfare of students. 	<p>§785.39 – Travel away from home community</p> <p>§785.40 – When private automobile is used in travel away from home community</p> <p>§785.41 – Work performed while traveling</p>

Examples of Commuting:

- 1) You ask your non-exempt employee to stop at Walmart, which is on their way to work, in order to use the ProCard to purchase supplies for an upcoming fair in the department. Although Walmart is on their way to work, you must begin paying them from the time they arrive at Walmart.
- 2) You ask your non-exempt employee to drop-off an envelope of cash to a downtown office after work. Although the employee dropped off the envelope on their way home from work, you must continue paying them until they have delivered the envelope and left the downtown office.

Example of Travel during the Work Day:

- 1) A non-exempt employee works on the Belknap Campus as well as on the ShelbyHurst Campus; the employee frequently travels between the locations, sometimes multiple times a day. Although the employee is commuting between work locations, you must pay the employee for all travel time between locations during the work day. You do not have to pay the employee for their commute to work in the morning or their commute home in the evening.

Examples of One-Day Assignment in another Town or City

- 1) A non-exempt employee drove themselves to Lexington for a work conference taking place from 8am-5pm. The conference registration included a lunch which will occur in a break between sessions, but will include a key note speaker. The employee left their home to travel at 6am and arrived home at 7pm. You must pay the employee from 6am to 7pm that day. Although, the lunch occurred during a break in the conference sessions, there was a speaker requiring attendance and therefore, the lunch period is paid. However, normal commuting time will be subtracted.
- 2) A non-exempt employee rode with a co-worker to Lexington for a work conference taking place from 8am-2pm. The employees chose to see an old friend from 2pm-5pm. The employee and their co-worker left the office parking lot at 6am and arrived back at the lot at 7pm. You must pay the passenger from 6am-2pm, and from 5pm-7pm; although they are a passenger, it is only for a one-day assignment in another city and therefore, their full travel time is paid. The non-exempt driver of the vehicle will be paid for the same periods of time.

Examples of Travel Away From Home Community (Overnight Travel)

- 1) A non-exempt employee has normal working hours from 8:30am to 5:00pm, Monday through Friday. On Sunday, they have a flight departing for a work conference at 11am; the employee arrives at the airport at 9am. The flight will be landing at 3pm and a commute to the hotel will take 45 minutes. You must pay the employee from 9am – 3:45pm even though it is a Sunday (not a work day), because the travel takes place during the employee's normal working hours.
- 2) The same employee from above has a flight departing at 6pm on Sunday. You do not have to pay the employee for their travel time provided it does not continue to 8:30 the next morning. If the employee arrives at the airport and experiences multiple delays/layover situations resulting in an arrival at 10am the next morning, you must pay them for the travel time from 8:30am-10am, because that portion falls within their normal working hours.
- 3) A non-exempt employee is driving their coworkers to a conference in North Carolina. The driver and passengers typically work from 8:30am-5pm, Monday through Friday. They will be leaving work on Friday at 4pm and traveling by car until midnight; the driver and passengers also worked that day beginning at 8:30am. You must pay the driver from 8:30am to 12am because she drove the vehicle. Since the passengers did not perform any work during the travel time, they will only be paid from 8:30am-5pm. Passengers traveling for work-related trips longer than one day, may only be paid for time spent traveling during normal working hours.