

FLSA AND TRAVEL TIME FOR NON-EXEMPT UT DALLAS EMPLOYEES

General Rule

Excluding normal commuting time, employees should be compensated for all travel unless it is:

1. overnight;
2. outside of regular work hours;
3. on a common carrier; or
4. where no work is done.

However, special rules apply to special situations.

Commute Time

- Generally, an employee is not at work until her or she reaches the work site.
- But, if the employee is required to report to a location to pick up materials, equipment, or other employees, or to receive instructions before traveling to the work site, time is compensable once the employee reaches that location.

Local Travel During the Workday General Rule

Travel as a part of UT Dallas' principal activity must be counted as hours worked. If the travel is for the benefit of UT Dallas, it is compensable. Example: the employee travels from job site to job site during the workday.

If the employee stops at a store or goes home for his or her own convenience while on the way, the time traveling from the office to the site is not compensable.

Example: the employee leaves the office for the work site but stops at a store for his or her own convenience.

Time spent by the driver in picking up other passengers and transporting them to a specific location is work time and therefore compensable. Time spent by passengers traveling in a car outside the normal workday hours is not compensable.

Out of Town Travel – Special One-Day Assignment

If the employee is assigned to work in another city for one day and the travel is performed for UT Dallas' benefit and at its request, it is part of the principal activity of UT Dallas and therefore is compensable. This is true even if the employee is traveling by common carrier since this is a special assignment and is not ordinary home to work travel. The assignment is performed for UT Dallas' benefit and at UT Dallas' special request to meet the needs of the particular and unusual assignment.

However, in this special one-day assignment travel time between the employee's home and the airport or railway station is home to work travel time and therefore not compensable.

Overnight Travel

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 regular workday hours and is compensable. If this travel occurs during normal work hours on non-working days (i.e. Saturday or Sunday for an employee who works Monday through Friday) the time is also compensable.

Overnight travel that occurs outside of the employee's normal working hours is not compensable whether it is on a common carrier or as a passenger in a car. The driver of the vehicle must be compensated as driving is work time.

Example: Employee drives to the airport to fly to a seminar and has two co-workers as passengers. 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 at a hotel with freedom to use time for the employee's own purposes is not compensable.

Should you have further questions, please contact **Human Resources Management – Compensation**