

*The Georgia Institute of Technology (“Georgia Tech” or “Institute”) complies with all applicable state and federal laws. The following guidance is subject to change based on adherence with relevant law and USG and Georgia Tech policy.*

## **Compensation for Travel Time Guide for Overtime-Eligible Employees**

### **General Notes**

- Applying these guidelines in specific situations can be challenging. Managers and employees are encouraged to consult with their Human Resources representative for guidance before travel occurs.
- 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.
- Employees should not lose or gain regular (base) earnings as a result of travel.
- Non-exempt employees compensated for travel time in connection with any of the scenarios noted in this document will be paid at their normal wage rate.
- If this travel time causes the employee to work more than 40 hours in a work week, the employee is entitled to overtime.
- Additional guidance and information can be found on the U.S. Department of Labor website (<https://www.dol.gov/whd/regs/compliance/whdfs22.htm>).

### **Travel Time between Home and Work**

Normal travel (commute travel) from home to work, and vice versa at the end of the workday, is not considered hours worked.

To the extent that an employee performs work while traveling (e.g., preparing for a meeting, reviewing documents, making telephone calls), this time constitutes hours worked even if the travel time would otherwise not be compensable. In addition, if an employee is required to ride as an assistant or helper in an automobile, the travel time counts as hours worked.

### **Travel Not Involving an Overnight Stay (Day Trips)**

With certain exceptions, hours spent in authorized travel on official business – when an overnight stay is not required – is considered time worked for pay purposes.

*Exceptions:* No compensation is needed for meal times and commuting time between an employee's home and the airport, railroad, or bus station.

**Example:** A non-exempt employee flies to New York to attend a meeting and returns home the same day. The employee should be compensated for travel time to and from the meeting (e.g., flight time and cab rides), but not for commuting time between home and the airport.

To the extent that an employee performs work while traveling (e.g., preparing for a meeting, reviewing documents, making telephone calls), this time constitutes hours worked even if the travel time would otherwise not be compensable.

## **Travel Involving an Overnight Stay**

When employees are required to take a trip by car, plane, train or any public transportation that keeps them away from home overnight, the U.S. Department of Labor considers all time spent in "travel status." This includes time spent "in transit" during the employee's regular working hours and in the regular workweek, and is considered hours worked for pay purposes.

Travel hours on Saturdays, Sundays and holidays matching up to an employee's normal working hours on other days of the week also must be counted as time worked. However, meal periods may be excluded.

The U.S. Department of Labor's Wage-Hour Division says that, as an enforcement policy, it will not treat as compensable hours the time that an employee spends traveling "away from home outside of regular working hours as a passenger on an airplane, train, boat, bus, etc."

Also, 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 falls within the normal work hours.

**Example 1:** An overtime-eligible employee who is regularly scheduled to work Monday through Friday from 9 a.m. to 5 p.m., flies to Washington, D.C. on Tuesday on an 8 a.m. flight, for a two-day conference.

**Day One:** The employee is entitled to compensation for time spent traveling to the conference after 9 a.m. and all time at the conference or elsewhere until 5 p.m. Meal times at the conference need not be counted as hours worked unless the employee is required to attend the meal, in which case that time is counted as hours worked.

**Day Two:** The employee should be compensated for all conference-related activities between 9 a.m. and 5 p.m., but not for the time spent flying home after 5 p.m. If the conference does not end until 6 p.m., the employee should be paid until 6 p.m. but not for the time flying home in the evening.

**Example 2:** An overtime-eligible employee (who has a 7:30 a.m.-4:00 p.m. Monday-Friday regular work schedule) lives in Decatur, Georgia and drives to Georgia Tech's Atlanta campus every day for work. The drive to work usually takes about 25 minutes, and the drive home takes about the same, depending on traffic. This time is not work time, but rather normal commute time. Below are some other normal travel time situations this employee encounters and how they would be compensated, including an overnight stay.

1. This employee attends a meeting in Augusta, which is about a two-hour drive. The employee leaves her home at 7:00 a.m. The employee would be considered to be working as of 7:25 a.m. that day after the average commute time of 25 minutes has been met. The remaining drive time

of approximately, 75 minutes ( 2 hours less typical 25 minute commute) would be considered work time

2. The employee regularly attends meetings at the Global Learning Center (GLC) and will be considered to be engaged in continuous work when traveling to and from the GLC location under the "Travel Not Involving an Overnight Stay (Day Trips)" section listed above.
3. The employee travels to Savannah for a two-day conference, including overnight travel, and will be covered by the "Travel Involving an Overnight Stay." Travel will be considered work time when it cuts across the employee's workday. Therefore, if the employee leaves her home at 7:00 a.m., arrives in Savannah to begin the conference at 10:00 a.m. and participates in sessions lasting until 5:00 p.m. (excluding a 1-hour break for lunch that was not a working lunch), the employee should be recorded as working 9 hours (minus the 25 minute commute time or 8 hours and 35 minutes of compensable time).

The next day, the employee's conference begins at 8 a.m. and ends at 12:30 p.m. The employee takes a 30-minute lunch and then returns to Atlanta and to her regular work location on campus and works until 5 p.m. that day; therefore, she would be credited for 8.5 hours of work time. If, however, the supervisor has indicated that the employee need not return to the office when the employee arrives home, and the employee arrives home at 3:30 p.m., the employee will be credited with working 7 hours for the second day.

To the extent that an employee performs work while traveling (e.g., preparing for a meeting, reviewing documents, making telephone calls), this time constitutes hours worked even if the travel time would otherwise not be compensable.

## **Travel between Work Locations**

Once employees start their workday, all time spent traveling as part of their main activities must be counted as hours worked. Where an employee's job involves traveling from one work place to another after reporting for the day's work, the travel time must be counted as hours worked.

## **Driving on Behalf of the Employer**

With the exception of commuting between home and work, driving a vehicle on behalf of an employer is compensable, regardless of whether the travel takes place within or outside normal work hours. The act of driving is considered a manual labor activity which needs to be counted as hours worked.

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.

To the extent that passengers perform work while traveling (e.g., preparing for a meeting, reviewing documents, making telephone calls), this time constitutes hours worked even if the travel time would otherwise not be compensable

## Attending Social Events and Meetings for Employer

If an employee is required to attend meals or social events for an employer, the time is counted as hours worked.

## Attending Training and Seminars for Employer

Attendance at lectures, meetings, training programs and similar activities are viewed as working time unless **all** of the following criteria are met:

- Attendance is outside of the employee's regular working hours;
- Attendance is, in fact, voluntary;
- The course, lecture, or meeting is not directly related to the employee's job; and
- The employee does not perform any productive work during such attendance.

## Travel Involving Non-Work Days and Holidays

Time spent "in transit" on days that are not (a) regularly scheduled work days for the employee and/or (b) Institute holidays during hours corresponding to the employee's regular working hours should be counted as time worked for pay purposes.

**Example:** An employee who regularly works Monday through Friday, 7 a.m. to 3 p.m., takes the train home on Saturday from a 3-day business trip to New York. He should be paid for hours on the train between 7 a.m. and 3 p.m. If the employee took the train home on Saturday after 3 p.m., he or she would not be paid for hours on the train.

However, if the employee drove to New York and drove home on Saturday after 3 p.m., they would need to be paid for hours spent driving home as he or she is not a passenger and is performing work at the employer's request.

Time spent on personal activities (e.g., eating or sleeping) on Saturdays, Sundays, and holidays, but not while "in transit," is not counted as time worked for pay purposes, provided the employee has no work duties or responsibilities.

## Sleeping Periods While "In Transit"

Time required to be "in transit" during the customary sleeping period (typically 11 p.m. to 7 a.m.) is counted as time worked, unless the employee has adequate sleeping accommodations and can occupy the accommodations for an uninterrupted period of no less than six (6) hours.

**Example:** An employee should be compensated for time spent taking the "red-eye" from Los Angeles to Boston.

### **Other Non-compensable Periods (Do Not Count Toward Hours Worked)**

- Time spent waiting at the airport outside of normal work hours.
- Travel between home and work or between hotel and worksite.
- The extra time it takes to travel when an employee decides to drive a car versus when flying is authorized and available (the authorized and available flying mode, however, is counted).

### **Flex Time**

There are times where overtime-eligible employees may be working hours beyond their normal schedules, including weekends. Where possible, managers may request that employees “flex” their time (i.e., adhere to schedule outside of their regular work week schedule) to stay within a forty hour work week.