

Subject: Travel Time

Date: July 11, 2001

Pages: 1 of 2

Replaces Policy Dated: N/A

PURPOSE: To establish a set of uniform guidelines for the compensation of employees during periods of business related travel.

STATEMENT OF POLICY: It shall be the policy of Pinal County to comply with applicable provisions of the Fair Labor Standards Act as it relates to the compensation of employees during periods of business related travel.

Commute Time: The Portal-to-Portal Act (29 U.S.C. '254(a)) specifically *excludes* from compensation time spent *Walking, riding, or traveling to and from the actual place of performance of the principal activity* of an employee, and time spent in activities which are preliminary or postliminary to the principal activity. Travel time at the beginning or end of the workday, therefore is not compensable.

In the event an employee is scheduled to attend training or any other event at a location other than their normal post of duty, travel to and from that location outside of normal working hours is likewise not considered as work time and therefore is not compensable. Excluding normal commuting time, employees should be compensated for all travel unless it is overnight, outside of regular working hours, or on a common carrier, where no work is done. If the travel time, before or after the workday, is not for the benefit of the employer or part of the employer's principal activity, the travel time is not compensable.

Travel During the Work Day: Time spent by an employee in travel as part of the employer's principal activity must be counted as hours worked (29 C.F.R. '785.38). The key to identifying whether travel time during the day is compensable is determining whether the employees are engaged in travel *as part of the employer's principal activity*. For instance, travel by a Deputy Sheriff, Case Manager, or other employee during the working day from one district office to another, or travel to a meeting place during the day must be compensated.

If an employee is directed to stop at a location while en route to work and perform work related activities, pick up, or drop off employees or materials, the time spent traveling from that location to the worksite must be compensated. Similarly, if an employee is directed to stop at a location while returning home after work and perform work related activities, pick up, or drop off employees or materials, the time spent traveling from the workplace to that location must be compensated. This is the case even if the stop is on the direct path of the employee's normal commute home.

Call Back or Emergency Calls: An employee must be compensated for home-to-work travel time in rare emergency situations if, after completing a day's work, the employee is called at home and must travel a *substantial distance* to perform an emergency job. Pinal County recognizes that the *call back* of an *On-Call* employee is considered compensable time from the employee's home to work and back.

Out of town travel: The Department of Labor (DOL) specifically permits an employer to exclude travel time between an employee's home and an airport or railroad station. Such time is considered as *home to work travel* and is not compensable.

Example: An employee is scheduled to attend training in Phoenix and the training begins at 8:00 a.m. and ends at 5:00 p.m. (the same start and stop time as the employee's normal work day). If the employee travels directly from home to Phoenix and returns after the training, such travel is considered home-to-work travel and is not compensable. This is because the employee's place of principle activity during that period has changed, and is Phoenix. Travel to Phoenix and the return trip is the same as going to, and coming back, from work.

TRAVEL TIME (CONT)

Page 2 of 2

However, if a group of employees attending this training is required to travel from home to a common location where they all get in a county van and travel to Phoenix, only the travel from home to the common location is non-compensable, the travel from the common location to Phoenix is considered compensable.

If the employee's normal work hours are 8:00 a.m. to 5:00 p.m., the scheduled Phoenix training begins at 10:00 a.m., and the employee is traveling to Phoenix during the period from 8:00 to 10:00 a.m., the employee's compensable time begins at 8:00 a.m. and will end at 5:00 p.m.

Example 2: An employee who works in Florence, with regular working hours from 8:00 a.m. to 5:00 p.m. is assigned a one-day travel assignment to attend training in Denver, with instructions to leave Phoenix at 6:00 a.m., in order to arrive in time to attend the training, which begins at 9:00 a.m. the training ends at 4:00 p.m. and the employee arrives back in Phoenix at 7:00 p.m.

The travel time to the airport would be non compensable, however the flight time from 6:00 a.m. to 8:00 a.m. and from 4:00 p.m. to 7:00 p.m. would be compensable because the travel was performed for the employers benefit and at it's request. It is part of the "principal activity" of the employer; therefore the employee must be compensated. Travel from the airport to home would not be compensable.

It is generally recognized that travel time is compensable work time when the travel occurs during the employers regular working hours (29 C.F.R. ' 785.39). This is true whether the employee actually performs work or not, since the employee is simply substituting travel for other duties. Moreover, if the travel occurs during normal working hours on non-working days (i.e., Saturday or Sunday for an employee who normally works Monday through Friday), the time is compensable.

Overnight Travel: The DOL does not count as working time overnight travel that occurs outside of regular working hours while the employee is a passenger on an airplane, train, boat, bus or car and where the employee is free to relax (29 C.F.R.' 785.39). However, employees who perform work while traveling must be compensated (29 C.F.R.' 785.41).