



Date: April 6, 2009
To: All Staff
From: Lori Lamb, Director of Human Resources
M. Jane Lebert, Assistant Director of Human Resources
Re: Compensation for Travel Time Outside of the Work Schedule - Amended

The following information is intended to provide clarification and guidance in managing employee compensation while traveling on state business outside of the employee's normal work schedule. On state business means that the employer has determined that the purpose of the travel is related to the work that the employee performs.

Compensation for travel time will vary depending on the FLSA status (exempt or non-exempt) of an employee. In addition, it depends whether the individual is actively driving a vehicle, versus passively travelling (e.g. riding in a vehicle, riding on an airplane).

Each contract may also have special provisions related to travel time. When a question arises, please refer to the specific contract language and contact Human Resources for clarification.

The following are intended to be general guidelines to help determine how to accurately compensate someone for travel outside the work schedule. Examples are provided to help illustrate the application of these general principles.

TRAVEL TIME / PAY GUIDELINES

Non-Exempt Employees

- Except for the normal commute to and from work, any travel during a non-exempt employee's normal working hours is time worked. Employees are not required to make up time because they traveled during their normal schedule (driving or otherwise).
- Regardless of the time of day or day of the week, any time (other than the normal commute) that an employee is the driver of a vehicle is time worked.
- Time spent as a passenger in a car, plane, train, etc. outside the employee's normal working hours is not time worked unless the employee performs work while riding.
- Duty free meal periods are excluded for both drivers and passengers. If an employee stops for breakfast, lunch or dinner this time is not included as time worked. It is treated as a regular lunch period.
- If employees drive from home to a location other than the usual work site, travel time minus the normal commute is hours worked, e.g. if they go from home in Belle Plaine to St. Paul, only the time from Belle Plaine to St. Paul counts as time worked.

HUMAN RESOURCES

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Examples for non-exempt employees:

- 1) An employee is scheduled to work 10:00 a.m. to 7:00 p.m., Sunday through Thursday. They are going to a work related conference. The employee travels from home to the airport at 7:00 a.m. on Sunday for a 10:00 a.m. flight. The drive from Mankato takes 90 minutes. They then fly to Florida for the conference. They return on Thursday, on a flight from Florida leaving at 4:00 p.m. and arriving at 6:00 p.m. They then drive from the airport to home in Mankato from 7:00 to 8:30 p.m.

The employee is entitled to have the 90 minute drive to the airport on Sunday counted as work time. In addition, the employee is entitled to have the 90 minute drive from the airport to home on Thursday as work time. This is the active travel time. Passive travel time (waiting in the airport, flying on the plane, etc. does not count as time worked when outside the normal work schedule).

Thus, if the employee worked a normal 40 hour week, the additional three hours are counted as overtime and compensated according to their collective bargaining agreement (e.g. cash or comp time).

- 2) An employee is scheduled to work 7:30 a.m. to 4:00 p.m., Monday through Friday. They are going to a required training program. They travel from St. Peter to St. Paul on Sunday because the training session starts at 8:00 a.m. Monday morning. The drive from St. Peter to St. Paul takes 1 hour 15 minutes. They stay in a hotel over night. The employee returns from the training on Wednesday. They leave St. Paul at 2:45 p.m. and arrive home at 4:00 p.m.

The employee is entitled to the 75 minutes of work time for the Sunday travel. They are not entitled to count work time for the time spent in a hotel. The travel from St. Paul to St. Peter is within the normal work day. The employee does not need to account for that time in any other way.

Thus, if the employee worked a normal 40 hour week, the additional 75 minutes are counted as overtime and compensated according to their collective bargaining agreement (e.g. cash or comp time).

Exempt Employees

- There is never any additional compensation for travel time.
- Depending on an individual's bargaining agreement, a supervisor may have flexibility with balancing hours.
- Only active travel (e.g. driving) should be considered when looking at balancing hours.
- Balancing hours does not mean that an employee is entitled to an hour-for-hour credit for travel time.
- Supervisors must use reasonable judgment in determining how to balance hours. It is determined on a case-by-case basis.
- Time spent as a passenger in a car, plane, train, etc. outside the employee's normal working hours is not time worked unless the employee performs work while riding.

Examples for exempt employee:

- 1) The employee generally works 8:00 a.m. to 5:00 p.m., Monday through Friday. They travel on Monday evening by driving to Duluth for a required meeting. They leave at 6:00 p.m. and arrive in Duluth at 9:00 p.m. Their collective bargaining agreement provides for the ability to balance hours (80 hours in a two week period). They return from the meeting on Wednesday, and leave Duluth at 1:00 p.m. and arrives back in Mankato at 4:00 p.m. The employee returns to work until 5:00 that day.

The employee is entitled to count the three hour drive to Duluth as hours worked. It is as the discretion of the supervisor to determine if or how to balance these hours. Options might include:

- a. If the employee needs two hours off later that week for a school conference for their child, the supervisor could allow the employee not to take annual leave for those two hours.
- b. If the employee has a one hour doctor appointment early in the next week the supervisor could allow the employee not to take sick leave for that hour.
- c. The supervisor could determine based on work needs of the unit that there is no way to balance the hours. This decision must be made legitimately on current business needs, and not simply to deny the employee flexibility.

Supervisors should exercise their discretion in this regard in a reasonable and consistent manner, to the extent possible.

These guidelines are provided to assist in accurately determine how to calculate compensation for travel time outside the work schedule. There is no way to provide examples of all possible scenarios. Please contact Human Resources with any questions. The intent of this information is to provide information that will help minimize conflicts around these issues.

Thank you for your cooperation.