COMPENSATION FOR OVERNIGHT TRAVEL: Non-Exempt Position

Question: Bob is a nonexempt employee whose normal work hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday. Bob must travel to Chicago to attend a conference. He leaves on a 5:00 p.m. flight on Friday and prepares his agenda & checks email while on the plane. He arrives in Chicago that evening, attends a networking dinner and continues responding to emails in his hotel room. At 8:00 a.m. on Saturday, Bob attends the conference. At 3:00 p.m. that afternoon he returns to Minnesota. How is Bob compensated?

While in flight, Bob spends 30 minutes preparing for the conference & checking emails. According to the FLSA, if an employee performs work related duties while traveling, the employer must compensate the person for this work time. Bob is to be paid for 30 minutes of work.

Bob is expected to attend a social event on Friday evening to network with others in similar positions at other Colleges. The employer is required to compensate him for hours networking because it is expected and not considered personal sightseeing or dinner for non-work related purposes.

All overnight travel time is not necessarily compensable. Any non-business meal periods, sightseeing or times when an employee is sleeping in a hotel, would not be considered hours worked and therefore, are non-compensable.

According to the FLSA, since Bob’s flight was scheduled during his normal work hours, even though he was flying on a day he would normally not work (Saturday), the employer is still required to pay him for his travel time until 3:00 p.m. Such time would count towards hours worked for the purpose of calculating overtime.

Bob took a taxi at 7:30 a.m. to his 8:00 a.m. meeting. Since the travel time was outside of his normal work hours and he was a passenger, he was not compensated for his time until he arrived at the meeting place. However, when he left the meeting at 1:30 p.m., his travel time was within his normal work hours and he would be compensated for his travel time back to the airport.

Bob's flight left MSP airport at 5:00 p.m. According to the FLSA, an employer is only responsible for paying an employee for travel time which is within his/her normal work hours. Bob’s normal work hours are 8:00 a.m. to 5:00 p.m. Therefore, the employer is not required to pay Bob for travel time after 5:00 p.m.