



Travel Time Guidelines for Overtime Eligible Employees

Wage and Hour Manual for California Employers, Nineteen Edition

- Travel time to and from work *does not* constitute hours worked. This is true whether the employee works at a fixed location or at different job sites at different days of the week.
 - Travel time during the workday *must* be counted as hours worked if it relates to the employee's job.
 - Travel time that occurs in addition to regular working hours *is* considered hours worked if it is performed pursuant to the employer's instructions.
 - An employer may establish a different rate of pay for travel time, provided that the rate is not less than the minimum wage and the employee is clearly informed of the different rate before the travel occurs.
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(a) One-Day Working at Another Worksite within Town

Because the employee would normally be required to report to work at his normal work place, any time spent traveling between his home and the terminal of a common carrier when such a carrier is used can be deducted. The employee's usual meal time may also be deducted.

What does this mean?

If a Caltech employee who normally works on Campus has a business need to work at JPL for a day, they need not be paid travel time from their home to JPL just as they are not paid travel time from their home to Campus. Meal periods are deducted from hours worked.

(b) One-Day Travel Out of Town

All travel time of an employee sent out of town by the employer on a special one-day assignment must be counted as hours worked. The employee's usual meal time may also be deducted.

What does this mean?

If a Caltech employee must attend an out-of-town event they should be paid for all hours from when they leave their residence in the morning to when they arrive home in the evening.

(c) Overnight Travel Out of Town

If an employer requires an employee to attend an out of town business meeting, training session, or event, it must pay for the travel time getting to and from the location of the event. Time spent driving, or as a passenger on an airplane, train, bus, taxicab or car, is time spent carrying out the employer's directives. It is thus considered as time in which the employee is subject to the employer's control and constitutes compensable hours worked. On the other hand, time spent taking a break from travel in order to eat a meal, sleep, or engage in purely

personal pursuits not connected with traveling or making necessary travel connections (such as, for example, spending an extra day in a city before the start or following the conclusion of a conference in order to sightsee) is not compensable. An employer's policy cannot override the requirements of state law.

What does this mean?

If a Caltech employee must attend an overnight out-of-town event they should be paid for all hours starting when they leave their residence to when they arrive at the event location. Even if they are riding on a plane and not working it is still compensable because they are *subject to the control* of the employer. But, time spent sleeping in a hotel, meal periods, or on personal excursions (taking an extra day in the city to sightsee) is not compensable. When crossing time zones, as in *interstate or international travel*, the employee should record their first and last day of travel in one time zone to account for actual hours of travel from one location to another without the influence of the time change between the time zones.

(d) Travel in the Day's Work

If part of an employee's principal activities during a workday includes travel, such as travel from one job site to another, such travel time must be counted as hours worked.

What does this mean?

If a Caltech employee who normally works at Campus must travel to JPL and then back to Campus in the course of a day, that travel time is compensable.

(e) Use of Private Automobile on Travel Out of Town

If an employee is offered public transportation but requests permission to drive his car instead, the employer may count as hours worked either the time spent driving the car or the time it would have had to count as hours worked during working hours if the employee had used public transportation.

What does this mean?

If a Caltech employee must travel to a far away location and is offered airfare to travel, but they choose to drive their personal car instead the employer can choose to compensate for either length of time. For example, if a Caltech employee must travel to LIGO in Livingston, Louisiana and is offered airfare, but they drive their own car from California to Louisiana instead the employer can choose to pay them the approximate 6 hours of air travel time or the approximate 30 hours of car travel time.

(f) Work Performed While Traveling

If an employee performs required work while traveling, the time involved must be counted as hours worked. For Example, an employee whose job is either to drive a truck, bus, boat, or airplane, or to ride in such a vehicle as a helper or assistant, is engaged in working time while riding, except during bona fide meal periods or periods in which he is permitted to sleep in adequate facilities that the employer furnishes.

What does this mean?

If two Caltech employees are traveling in one car to a destination they are both paid for the travel time even if the passenger falls asleep during the ride.

Caltech

- In the following travel agreement please type your travel information into the space indicated and remove the example information in parenthesis.
- You may add or remove a line item to better describe the intended travel.
- Add as much detail regarding the nature of the business expectations as possible.
- Return to Compensation when complete.

TO:

FROM:

DATE:

RE: Work Assignment during Off-Site Travel

The purpose of this memo is to clarify the terms of your assignment from _____ (start date) _____ to _____ (end date) _____ at the _____ (event description e.g. conference/retreat) _____ in _____ (city, state) _____.

1. Beginning _____ (start date) _____, travel from Caltech to _____ (event description e.g. conference/retreat) _____ in _____ (city, state) _____ is to be reported as time worked. A normal meal period (30 – 60 min) or (if necessary) a second meal period is to be deducted from the hours reported. Since you will be traveling by _____ (mode of transportation) _____ you should travel during your normal work hours if at all possible.
2. Daily work assignments will include _____ (describe work assignments). All time spent carrying out your work assignments will be reported as time worked. You should take and report your usual meal period.
3. Caltech is not requiring you to leave the _____ (event description e.g. conference/retreat) _____ and return home, and then return to the _____ (event description e.g. conference/retreat) _____. If you return home during the _____ (event description e.g. conference/retreat) _____ and back to Caltech during your normal work hours, this time will be reported as hours worked. If you elect to commute back to Caltech or home during your off hours, this time will not be regarded as time worked.
4. When your participation is no longer required for the day, you are free to do as you choose. You are not required to participate in additional activities, but may do so if you choose. This time will not be regarded as time worked if spent outside your required duties.
5. If you elect to spend additional personal time in _____ (city, state) _____ before or after the _____ (event description e.g. conference/retreat) _____ this time will not be regarded as time worked.
6. Meals and sleeping accommodations will be provided for you at _____ (hotel name, etc.) _____ at no charge to you. Please consult with your supervisor to assure all the arrangements have been made.
7. If you elect to return home or to Caltech before _____ (end date) _____, you should do so during your normal work hours if at all possible. All travel time will be reported as hours worked.
8. On _____ (end date) _____, all time spent carrying out your work assignments will be reported as time worked. Travel from _____ (city, state) _____ and back to Caltech or home will also be reported as time worked. A normal meal period (30 – 60 min) is to be deducted. Again, you should travel during your normal work hours if at all possible.

I have read and understand the above terms of my assignment during off-site travel.

Employee Signature

Date