COMPENSATION FOR OVERNIGHT TRAVEL: Admission Recruiters

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 San Francisco to meet with potential students. He leaves on a 5:00 p.m. flight on Friday and prepares his notes while on the plane. He arrives in San Francisco that evening and continues his file review in his hotel room in order to feel prepared for his meetings. At 8:00 a.m. on Saturday, Bob meets with the prospective students. At 3:00 p.m. that afternoon he returns to Ogden. How is Bob compensated?

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| Friday 5 pm Saturday 3 pm | | | | | | | | | | | | | |
| Bob's flight left the Ogden 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. | | While in flight, Bob prepared notes for his morning meeting. According to the FLSA, if an employee performs work related duties while traveling, the employer must compensate the person for this work time. Even though Bob prepared for his meeting outside of normal work hours, the employer is required to compensate him for hours worked. | | After arriving in San Francisco, Bob rested in his hotel. Time spent at a hotel with freedom to use time for employee’s own purposes is not compensable. | | All overnight travel time is not necessarily compensable. Any non-business meal periods or times when an employee is permitted to sleep, such as in a hotel, would not be considered hours worked and therefore, are non­ compensable. | | 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, he was not compensated for his time until he arrived at the meeting place. | | However, when he left the meeting at 1:30 pm, his travel time was within his normal work hours and he would be compensated for his travel time back to the airport. | | 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. | |