



Memorandum

To: Operation Leaders

From: HR Administration

Date: January 31, 2025

Re: Travel Requirements for Non-Exempt Employees

The Fair Labor Standards Act (FLSA) [regulations](#) require employers to pay for travel time in some circumstances. Generally, time spent traveling is compensable, unless it is normal home-to-work commute time, or when travel requires an overnight stay, and the time spent traveling as a passenger falls outside of the employee's normal work hours and the employee is not engaged in work-related activity.

When pay is required, the time spent traveling is considered hours worked and must be included when determining overtime pay obligations.

Type of Travel	Compensable	Not Compensable
Home-to-work commute		✓
Travel to different worksites during the workday	✓	
Travel to a different city, returning the same day	✓	
Travel that requires an overnight stay		
During regular work hours	✓	
Outside of regular work hours (not engaged)		✓
Driving that is required by the employer	✓	

Home-to-work travel. Normal commuting time to an employee's regular work site is not treated as hours worked under the FLSA.

Home to work on a special one-day assignment in another city. When an employee must travel out of town for work but returns home the same day, all the time spent traveling during the day is compensable, regardless of the employee's regular work hours. However, an employer may deduct the time the employee would have spent commuting to his or her regular work location.

Travel is all in a day's work. Time spent traveling to and from different worksites during the day is work time and must be paid.

Travel away from home. When travel requires an overnight stay, any time traveling as a passenger that falls within the employee's normal work hours is compensable, regardless of what day of the week the travel takes place. Time spent traveling to an airport terminal or train station is considered commute time and is not treated as hours



worked, but the time spent waiting at the terminal until arrival at the destination is compensable when it falls during normal work hours.

For example, if Meg normally works Monday through Friday, 8:30 a.m. to 5 p.m., and they are required to travel by plane on a Sunday for business in another state, their travel time on Sunday between 8:30 a.m. and 5 p.m. is compensable.

So, if Meg arrives at the airport on Sunday at 3 p.m. and at their destination at 8 p.m., the employer is required to pay them only from 3 p.m. to 5 p.m., the hours that correspond with their normally scheduled work hours.

Alternatively, if Meg drives themselves or others in the direction of the employer rather than traveling as a passenger, all the time spent driving is compensable work time, regardless of Meg's normal work hours.

Driving at the direction of the employer. When employees are required to drive themselves or others, all driving time is compensable. However, when an employee is traveling to an overnight stay and has the option to use public transportation (i.e., airplane, train, bus, etc.) but chooses to drive their own vehicle instead, the employer can either choose to pay for all time spent traveling or pay only the travel time that occurs during normal work hours, regardless of what day of the week the employee travels (CFR 785.40). If an employee volunteers to drive others in their vehicle to the overnight stay, an employee's time could be unpaid for those travel hours outside the normal work hours.

Work performed while traveling. An employee must be paid for any time they are doing work. This includes time spent working during travel as a passenger that would otherwise be non-compensable.

For example, Meg normally works Monday through Friday, 8:30 a.m. to 5 p.m. They arrive at the airport on Sunday at 3 p.m., and at their destination at 8 p.m. Generally, the employer is required to pay them only from 3 p.m. to 5 p.m.; however, if Meg works on a presentation during their flight until 6:30 p.m., their employer will need to pay her from 3 p.m. to 6:30 p.m.

Some states have travel-time laws that are more generous than the federal FLSA.

***CA Employee use of own vehicle to travel is considered compensable time**

***MA When an employee must park at one location and then take an employee bus to the actual location where the work is performed, the time between the two locations is compensable time**

If you have questions and/or need support, please email your payroll support team.

Cargo line of business- Cargopayroll@wfs.aero

Express line of business- Expresspayroll@wfs.aero

Ground line of business- Groundpayroll@wfs.aero

Mercury line of business- Mercurypayrol@wfs.aero

Oxford line of business- HRStaffChange@Oxfordats.com

Thank you.