



employee relations **BULLETIN**

March 19, 2003

**To: Heads of All Departments
Departmental Personnel Directors**

Subject: TRAVEL TIME

Compensation for travel time depends on the kind of travel involved such as travel to and from work, travel during the workday, and overnight travel. In general, employees should be compensated for travel time during the employee's normal working hours, except for travel to or from the employee's residence (i.e. commute time). Travel outside of normal working hours should be evaluated based upon the rules in this bulletin. Travel time should also be compensated pursuant to any applicable MOU or Administrative Code provisions.

Home to Work Travel or Commute (Ordinary Situations)

Ordinary home to work travel is the travel from home to the first work site and travel from the last work site to the employee's home. This is considered a normal incident of employment regardless of whether the employee works at a fixed location or at different work sites each day. **Normal travel (commute) from home to work is not working time, no matter how long the commute.**

Travel During the Day (All in the Day's Work)

Time spent by an employee in travel as part of his/her principal activity, such as travel from work site to work site during the workday, must be counted as hours worked. When an employee is required to report at a different location before work (e.g. to perform other work or pick up tools or paperwork), the travel from the designated place to the work site is part of the day's work, and must be counted as hours worked.

If an employee is required to travel from his/her work site to another job location for a period that extends beyond his/her normal working hours and is required to return back to work, all of that time is compensable. On the other hand if the employee goes home instead of returning to work after completing his/her job at the other location, the travel from the outside location to home is not compensable (home-to-work travel). For example:

An employee normally works in City Hall and is required to report to the Harbor Department in San Pedro at the start of his shift the next day. The employee's commute from home to the Harbor Department is not considered as hours worked under FLSA. If the employee was required by his/her supervisor to report to City Hall first and then travel to the Harbor Department, the travel time from City Hall to Harbor Department would be considered hours worked. At the end of the employee's shift the employee drives from the Harbor Department directly home. The travel time home is considered as home-to-work travel and the time is not compensable.

Special One-Day Assignment Out-of-Town

When an employee who regularly works at a fixed location in one city is given a special one-day assignment out-of-town (such as Sacramento or Las Vegas) the travel involved may not be considered ordinary home-to-work travel. In these cases, the travel time may be considered hours worked. For example:

An employee with regular working hours from 8 a.m. to 5 p.m. may be given a special assignment in San Francisco, with instructions to be in San Francisco by 11 a.m. He arrives at the airport at 8 a.m. for a 9 a.m. flight. His flight arrives in San Francisco at 10 a.m. and the employee proceeds to the work site and commences work. The special assignment is completed at 5 p.m. and the employee arrives back at the Los Angeles airport at 7 p.m. If the travel was for a special request to meet the needs of the particular and unusual assignment, it would thus qualify as an integral part of the "principal" activity which the employee was hired to perform on the workday in question. The employee would be entitled to be paid for travel time for the special assignment, and all hours in between, from 8 a.m. to 7 p.m. The travel between the employee's home and the airport would be considered unpaid "home-to-work" travel. The employee's meal times would also be deducted from the total hours worked.

Overnight Travel

Overnight travel is travel that requires the employee to stay overnight in another city. Overnight travel on regular working days during normal working hours is hours worked. This would also be true during the corresponding hours on non-working days (e.g. 8 a.m. to 5 p.m. on Saturday and Sunday). Regular meal period time is not counted.

Travel on public transportation outside of normal working hours is not compensable. The regulations state that time spent on travel away from home outside of regular working hours is not considered hours worked when the employee is a passenger on an airplane, train, boat, bus or automobile. For example:

An employee is required by her supervisor to attend a conference in Chicago that starts on Saturday at 8:00 a.m. and ends on Monday at noon. The employee's normal working hours are from 7:30 to 4:00 p.m., Monday through Friday. She arrives at LAX at 8:00 p.m. on Friday and travels by plane to Chicago. Upon arrival at O'Hare airport in Chicago, she takes a taxi to a hotel. The employee's travel time to Chicago is not considered hours worked because her travel occurred outside her normal working hours and she traveled as a passenger to her destination. On Monday, the conference ends at noon and the employee takes a taxi back to O'Hare airport and she boards a 2:00 p.m. flight back to LAX. The employee's travel time during her corresponding normal working hours on Monday (7:30 to 4:00) are compensable (hours worked).

Reminder: In general, any time spent during business travel actually performing work, attending meetings or training, or preparing for work, meetings or training is considered hours worked. During business travel, meal times or time an employee is free from duty is not considered hours worked. Since there are many variables related to this issue, please contact the Employee Relations Division at (213) 978-7676 if you are unsure how to count the time.

Overnight Travel – Hours Worked		
Employee's Mode of Transportation:	During Employee's Normal Work Hours	Outside Employee's Normal Working Hours
Driving (see exception below)	YES	YES
Passenger / Public Transportation	YES	NO

Driving Exception

There may be situations where an employee is offered public transportation but requests to drive his/her own vehicle instead. If the department grants the employee's request to drive his/her own vehicle, the compensable time (hours worked) will be the lesser of either: the time spent driving **or** the public transportation travel time that would have counted as hours worked.

Work Performed While Traveling

Regardless of when the travel occurs, if an employee is required by his/her supervisor to perform work while traveling, the time spent working is considered hours worked. For example, if an employee is required by his/her supervisor to prepare a report while on a flight outside normal working hours, the time spent preparing the report would count as hours worked. Except as noted above, the time spent driving is always considered hours worked. Time spent by an employee as a passenger is considered hours worked when the employee is required to assist the driver or work while riding.

REMINDERS:

- Under FLSA, all hours worked over 40 hours in a workweek by FLSA non-exempt (hourly) employees are considered overtime. The City MOUs and ordinances provide a more generous standard than FLSA by counting all compensated time such as vacation, holiday, sick leave, etc., in determining overtime. Therefore, there will be situations when an employee is owed City overtime but not FLSA overtime because FLSA does not count compensated time off as hours worked.
- All employees must have prior permission from their supervisors to work overtime.
- For FLSA non-exempt employees, overtime must be compensated in cash at one and one half times the regular rate of pay, or booked at time and one-half. The method of overtime compensation will be in accordance with the provisions of applicable MOU or Administrative Code.
- FLSA Exempt (salaried) employees, as defined in the Administrative Code or applicable MOUs, are not eligible for overtime compensation in cash or accumulated time.

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