

FLSA Requirements for Non-Exempt Domestic and International Travel and On-Call Work

Travel Time	
Type of Travel	Department of Labor Payment Requirements
Home to work; ordinary situation	An employee who travels from home before the regular workday and returns home at the end of the workday is engaged in ordinary home to work travel which is a normal incident of employment. This is true whether the employee works at a fixed location or at different job sites. Normal travel from home to work is not worktime. (Title 29 CFR §785.35)
Home to work in emergency situations	If an employee who has gone home after completing the day's work is subsequently called back to perform an emergency job, all time spent on such travel is working time. Also refer to provisions for Callback (Civil Service Employment Rules 10.5.1), Call Back (Unit 3 Art. 17), Call Time (Unit 4 Art. 9 Sec.7) or Call-In Time (Units 6 and 7 Art. 14 Sec. 2) as appropriate. (§785.36)
Travel that is all in the day's work	Time spent by an employee in travel as part of the principal work activity, such as travel from job site to job site during the workday, must be counted as hours worked. Where an employee is required to report at a meeting place to receive instructions or to perform other work there, or to pick up and to carry tools, the travel from the designated place to the workplace is part of the day's work and must be counted as hours worked. If an employee normally finishes work on the premises at 5 p.m. and is sent to another job which finishes at 8 p.m. and is required to return to the employer's premises arriving at 9 p.m., all of the time is working time. However, if the employee goes home instead of returning to the employer's premises, the travel after 8 p.m. is home-to-work travel and is not hours worked. (§785.38)
Travel away from the home community and back within one workday	When an employee who regularly works at a fixed location in one city is directed to work in another city for the day, such travel cannot be regarded as ordinary home-to-work travel. It would qualify as an integral part of the "principal" activity which the employee was hired to perform on the workday in question; the University may deduct time the employee would spend traveling to the airport, train, or bus station if such public transportation is offered (see "When a private automobile is used in travel away from home community" below). Also, meal periods during travel would be deductible. (§785.37)
Overnight travel away from the home community	Travel that keeps an employee away from home overnight is travel away from home. Travel away from home is clearly worktime when it cuts across the employee's workday. The employee is simply substituting travel for other duties. The time is not only hours worked on regular working days during normal working hours but also during the corresponding hours on nonworking days. For example, if an employee regularly works from 9 a.m. to 5 p.m. from Monday through Friday, the travel time during these hours on a Saturday or Sunday is also considered worktime; however meal period time is not counted. Travel time outside of regular working hours as a passenger on an airplane, train, boat, bus, or automobile is not considered worktime. (§785.39)
When a private automobile is used in travel away from home community	If an employee is offered public transportation but asks to drive a personal car instead, the employer may count as hours worked either the time spent driving the car or time that would have had to count as hours worked during working hours if the employee had used the public conveyance. (§785.40)
Work performed while traveling	Any work which an employee is required to perform while traveling must, of course, be counted as hours worked. An employee who drives a truck, bus, automobile, boat or airplane, or an employee who is required to ride therein as an assistant or helper, is working while riding, except during meal periods or when the employee is permitted to sleep in adequate facilities furnished by the employer. (§785.41)

Working Abroad		
Type of Travel	Department of Labor Payment Requirements	Examples
Working abroad	<p>If an employee has worked his/her entire standard work week in a country or territory outside of US jurisdiction (the US or its territories/Freely Associated States)*, overtime pay is not required by FLSA. However, the University of Minnesota allows each unit to use their own discretion on paying overtime in this situation. (§776.7)</p> <p>If an employee has worked part of his/her standard work week in US jurisdiction* and part of his/her standard week outside of US jurisdiction, the entire week is subject to overtime and FLSA rules and the employee would be eligible for overtime compensation if he/she worked more than 40 hours during the workweek.</p> <p>Please note that it is important to clearly define when an employee's standard work week begins and ends. See example for clarification.</p> <p><i>*US jurisdiction: Any State of the United States, the District of Columbia, and any territory of possession of the United States.</i></p>	<p>An employee's established work week is Monday through Sunday. The employee travels to a foreign country on Sunday and returns home on Saturday. Although they traveled and worked abroad for seven consecutive days, this was not their standard work week of Monday through Sunday. Instead, they traveled Sunday of Week 1 and Monday through Saturday of week 2 which constitutes two partial weeks worked abroad. Therefore, overtime payment is required for both weeks.</p>

Being On Call		
Note: Any on-call payment arrangement must be reviewed and approved by OHR prior to implementation.		
Situation	Definition	Payment Requirement
Able to use on call time effectively for personal pursuits	An employee must be available to be contacted and called to work, but is otherwise able to be away from the worksite and use the time effectively for his or her own purposes.	This is not work time and payment is not required. (§785.17)
Not able to use on call time effectively for personal pursuits	An employee is required to remain on the University's premises or so close by that the employee cannot use the time effectively for his or her own purposes.	This time is not the employee's own and payment for these hours is required. (§785.17)
Residing on the University's premises, but off duty	An employee resides on the employer's premises as part of the job requirements, but is in an "off duty" period where he or she can engage in normal private pursuits such as eating, sleeping and entertaining, whether on the premises or elsewhere	This is not work time and payment is not required. (§785.23)
Returning to work from on-call	An employee is on call and then is called to work or is asked to engage in work activities remotely.	Actual work time must be paid. (§785.7) Also, see "Home to work in emergency situations" above.