



On Call & Travel Time

On Call

Under the Fair Labor Standards Act, the key issue in determining whether an employee is “working” while on call is whether the employee is “engaged to wait” or “waiting to be engaged”. If an employee merely has to be available to respond to a call by cell phone or to report to a worksite within a reasonable period of time, but is otherwise legitimately free to go about his/her personal activities, then the time will not be considered work time. Any time spent actually responding to calls that do come in would be considered worked time and would have to be compensated as such.

If an employee is expected to report to work within a set time (for example 15 minutes) from the time the call comes in, the short response time may severely limit the employees ability to go about his/her personal activities and may result in the on-call time being considered work time. Various factors may apply to this, **please check with HR for information specific to each instance.**

Travel Time

Non-exempt employees are entitled to payment for all the time they work while at a conference. This includes any events they are required to attend, regardless of the time of day, including: meals, meetings and training sessions. All of these events count as work time. If this results in the employee working more than 40 hours in the payroll week, they must be paid overtime.

If overnight travel is involved, you must look at the specific situation in relation to the rules to determine whether time is considered hours worked. Here are some basic rules to consider when analyzing.

- Actual work performed while traveling, regardless of when the travel occurs, is considered hours worked and must be compensation.
- Even if the employee is required to travel overnight for the employer, sleep time is never counted as hours worked.
- Travel that occurs during an employee’s normal work hours – even if such travel occurs outside of the regular work week (ex. Saturday & Sunday) is considered hours worked.
- Travel time spent as a passenger of an airplane, train, boat, bus or automobile outside of regular working hours will not be considered hours worked.
- Travel time spent by an employee driving a vehicle, regardless of whether travel takes place within normal work hours, is considered hours worked.
- Travel time spent traveling from home to the airport will not count as hours worked.
- Travel from home to your assigned work site will not count as hours worked.

Keep in mind that travel time cases can be very fact specific and may lead to different results depending on the facts, **please check with HR for information specific to each instance.**