

# Saint Joseph's College Policy Guidebook

**Human Resources**

**Section Name:** Payroll Processing and Compensation

**Section Number:** 7.07

**Effective Date:** 07/01/2020

## **SUBJECT: Travel Time Policy - Non-Exempt Staff**

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### **Purpose:**

The purpose of this policy is to determine how to calculate compensation for non-exempt employees who travel on Saint Joseph's College business. Staff in positions classified as non-exempt under the Fair Labor Standards Act (FLSA) are eligible for compensation for the time they spend traveling. The compensation an employee receives depends on the kind of travel and whether the travel time takes place within normal work hours.

### **Applicable to:**

All non-exempt staff of the College

### **Policy:**

#### College Defined Work Week

The College's standard office hours are Monday through Friday from 8:30 a.m. until 4:30 p.m. As an institution that provides in-residence services for students, there are many employees involved with the operations of the College that do not work these standard business hours. For that reason, and consistent with applicable wage and hour laws, the College defined work week for purposes of calculating wages and overtime begins at 12:01 a.m. Monday through 12:00 midnight Sunday which equals 168 hours within the workweek.

For non-exempt employees, all hours worked will be paid in accordance with the defined work week. The College requires all hours worked to be reported.

**Commute Time:** An employee will not be paid for normal commuting travel to/from their home to work, whether they are traveling to a fixed location or different job sites.

**Travel Time Within Normal Work Hours:** Any portion of travel time which has been authorized by the manager that takes place within the employee's normal work hours (such as 8:30 a.m. to 4:30 p.m.) on any day of the week, including Saturday and Sunday, is treated as work hours. Travel time within normal work hours will be paid at the employee's regular hourly rate and will be factored into overtime calculations.

**Travel Time Outside of Normal Work Hours:** Any portion of authorized travel time (with the exception of driving time) that takes place outside of normal work hours is

considered to be outside travel hours. For example, if the employee in the above example traveled from 8:30 a.m. until 6 p.m., the employee need not be paid for the time spent traveling between 8:00 a.m. to 8:30 a.m. and 4:30 p.m. and 6 p.m. because it would be outside of regular working hours. However, if the employee was working while traveling during the extra hour and a half (e.g., reading work materials or on a laptop computer), this time would be compensable work time.

**One-day travel to another city:** Employees will be paid for time spent traveling on a one-day, out-of-town assignment for their normally scheduled work hours approved by their manager in the performance of their job duties.

**Overnight travel away:** Employees who are required to travel away from home and stay overnight will be paid travel time that happens during the employee's normal workday. These same work day hours also count for travel on weekends or non-workdays. For example, if an employee's normal work hours are 9 a.m. to 5 p.m. Monday through Friday, and the employee is required to travel on Saturday out of town and stay overnight, the employee must be paid for all travel time between 9 a.m. to 5 p.m. on Saturday. The meal period is not considered work time.

**Travel Time as the driver of an automobile:** All authorized travel time spent driving an automobile (as the driver, not as a passenger) is treated as work hours (excluding the routine commute time), regardless of whether the travel takes place within normal work hours or outside normal work hours. An employee will receive his or her regular hourly rate for all travel time spent as the driver of an automobile, and this time will be factored into overtime calculations.

- Travel as a passenger in an automobile is not automatically treated as work hours.
- Travel as a passenger in an automobile is treated the same as all other forms of travel, and compensation depends on whether the travel time takes place within normal work hours.
- If an employee drives a car as a matter of personal preference when an authorized flight or other travel mode is available, and the travel time by car would exceed that of the authorized mode, only the estimated travel time associated with the authorized mode will be eligible for compensation.

**Example:**

An exempt manager takes their non-exempt assistant with them on a weekend business trip. They fly on Saturday – it takes an hour to get to the airport, the takeoff time is 7:00 a.m., they have a layover, and they finally arrive at their destination at 6:00 p.m. Sunday is spent working from 9:00 a.m. until 2:00 p.m. (with a working lunch), and they fly back that same day on a flight that leaves at 2:30 p.m. and arrives home at 8:00 p.m. Normal work hours for the assistant are 8:30 a.m. until 4:30 p.m. with 1/2 hour for lunch Monday through Friday, and the assistant's usual commute time to work is 15 minutes each way.

**Answer:**

Under federal law, the assistant must be paid for the travel time on Saturday that falls within regular working hours of 8:30 a.m. to 4:30 p.m. with a one-hour deduction for normal mealtime, but not for the hours spent traveling outside of normal work hours or for the extra commute time (unless that time were actually spent working). On Sunday, the assistant must be paid for the all the time spent working from 9:00 a.m. until 2:00 p.m., including the working lunch, and for the travel time that falls during normal working hours of 2:30 p.m. to 4:30 p.m.

If the weekend trip was in addition to a 40-hour workweek, all the paid time during the weekend must be reported in ADP Workforce Now and paid as overtime under federal law.