

STATE OF ALASKA
DEPARTMENT OF ADMINISTRATION
DIVISION OF PERSONNEL

STANDARD OPERATING PROCEDURE

III. Travel as Time Worked

A. Purpose

To provide departmental human resources staff with guidelines regarding when to credit work time to an overtime eligible employee who is in travel status.

B. Scope

All classified and partially exempt overtime eligible employees are subject to this policy.

C. Authority

29CFR
AS 39.25.150(18)
2 AAC 07.390

The collective bargaining agreements provide additional specific provisions.

D. Policy

Overtime entitlements shall be identified in accordance with the Fair Labor Standards Act (FLSA), *unless* a more favorable benefit is provided by contract. When determining entitlements for an employee in the Labor, Trades and Crafts Unit, special attention must be paid to the collective bargaining agreement as its provisions are significantly different from the other agreements.

E. Procedures

- 1) Verify the employee's overtime eligibility.
- 2) Review relevant timesheet, travel questionnaire or report, and other materials as needed. Confirm accuracy of data.

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- 3) In accordance with the applicable contract or the FLSA, identify:
 - a) Any periods of travel time; and
 - b) All travel time that is also time worked.
- 4) Determine if travel time is compensable in accordance with:
 - a) Applicable contract;
 - b) The FLSA
 - i) *All in a Day's Work* (see definition at F.6)
 - (1) Non-compensable time:
 - (a) Travel from the employee's residence (home, hotel, etc.) to the airport, ferry terminal, etc., or vice versa
 - (b) Meal breaks (one-half hour or longer) while in travel status
 - (2) Compensable time:
 - (a) Time spent traveling, as a passenger, excluding (1)(a) above
 - (b) Flight delay
 - (c) If an employee is unable to return on the same day due to circumstances beyond his/her control (i.e., weather, mechanical problems, etc.), the overnight section (ii) below is applied.
 - ii) *Overnight* (see definition at F.7)
 - (1) Non-compensable time:
 - (a) Traveling from the employee's residence (home, hotel, etc.) to the airport, ferry terminal, etc., or vice versa
 - (b) Meal breaks (one-half hour or longer) while in travel status
 - (c) Time spent traveling, as a passenger, outside of normal working hours on any day
 - (2) Compensable time:
 - (a) Time spent traveling as a passenger, during regular work hours on any day excluding ii(1) above
 - (b) Time spent picking up or arranging for the shipment or transportation of State equipment
 - (c) Time spent traveling as a driver, excluding ii(1) above and in accordance with Section 472 of the Thompson Guide on FLSA 29.C.F.R.785.38

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- (d) Flight delay which requires remaining at the airport
- iii) *Home to Work and Work to Home* (see definition at F.3)

(1) Non-compensable time:

- (a) Traveling to and from the principal work activity (Portal-to-Portal Act; 29 CFR, Chapter 9)
- (b) Traveling from a town to an outlying site to get to the employer's premises, and the return
- (c) Driving a State vehicle while going to and from home
- (d) Traveling to work when an employee is called back to work after going home for the day

(2) Compensable time:

- (a) Chauffeuering other employees to and from work, as directed by the employer
- (b) Driving a State vehicle on business
- (c) Traveling from one job site to another job site during the workday
- (d) Traveling from an outlying job at the end of the scheduled workday to the employer's premises

- 5) Pay employee according to applicable contract provisions first. If none exist, then pay employee according to the FLSA.

F. Definitions

1) Work

Work includes the commonly understood productive employee time. Work also includes break periods of 15 minutes or less, training required or approved by the employer, and certain employee travel (discussed below).

2) Travel Time

According to the FLSA, certain travel time is compensable. The FLSA's definition of travel is **independent** of the definition of "travel" or "travel status" as it relates to per diem, meal allowances, or employer liability for worker's compensation purposes. Travel time includes check-in and baggage pick up time. Employee status during travel time is either as a passenger or a driver or pilot.

AAM60.Travel is applicable when determining mileage and per diem **only**. It is not applicable when determining Travel as Time Worked as outlined in this SOP.

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3) Home to Work and Work to Home

Home to Work and Work to Home is also called commute time. It is well established that normal travel from home to work is not working time, no matter how long the commute. An employee is not at work until s/he is at the work site.

4) Work Site

Work site is the location where the employee begins work, as assigned by the employer. Example: employee is directed to report to local convention center to attend training.

5) Crossing Time Zones

Compensable time is based on the place of origin. For example, when an employee travels from Juneau to Washington, D.C., compensable time is based on Juneau time. For the return trip, compensable time is based on Washington, D.C., time.

6) "Travel, All in a Day's Work"

An employee sent out of town for **one** day is not paid for the time spent traveling from home to the local plane or ferry terminal. The employee must be paid for *all* other travel time (except any time spent eating while traveling).

When an employee is directed to temporarily report to another work site for training, which is within *normal commuting distance* from the employee's assigned duty station, it is home to work travel.

7) Overnight Travel or Travel Involving more than One Work Day

When an employee travels overnight on business, s/he must be paid for time spent traveling (except for meal periods) during his/her normal working hours on his/her non-working days (such as Saturday, Sunday, and holidays), as well as on his/her regular working days.

8) Waiting to Engage vs. Engaged to Wait

Waiting to engage is the time an employee may appear to be on company time but s/he is not required to be on company time. For example: the employee is traveling all in a day and is required to check-in one hour before his/her flight is scheduled to depart. If the employee chooses to arrive at the airport 1 ½ hours

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before the scheduled departure time, the initial ½ hour is not compensated. It is waiting to engage time.

Engaged to wait is the time an employee is required to wait during travel. For example: an employee's flight is delayed. S/he is directed by the airline to remain at the airport in preparation for boarding and is unable to use the time effectively for his/her own purposes. S/he is compensated for the duration of the delay. It is engaged to wait time.

Note: Waiting time is compensable if it is not of sufficient duration that an employee could reasonably use the time to do other things. For example: if a flight is delayed four hours and the employee does not have to remain in the airport, the entire four hours may not be compensable. If the employee is required to remain in the airport for the entire delay, regardless of its length, the time is compensable.

9) In Conjunction with a Day's Work (LTC only)

Time may be considered as in conjunction with a day's work when it is directly attached to the scheduled workday. For example: the employee's scheduled work day is 8:00 – 4:30. S/he travels from 4:30 to 5:30. This travel time is in conjunction with a day's work for LTC employees only.

10) Normal Commuting Distance

Normal travel between home and work is not working time, no matter how long the commute. In an ordinary situation where an employee commutes to and from the work site, even if the employee must travel to different work sites, the employee is not entitled to additional compensation for the travel time.

G. Addenda

[Addendum A: Examples](#)

[Addendum B: Technical Notes](#)

[Addendum B: Update](#)

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