

FLSA-727

November 15, 1990

This is in further response to your letter concerning the application of the Fair Labor Standards Act (FLSA) to certain travel time and whether such time is compensable under FLSA. We regret the delay in responding to your inquiry.

You indicate that an *** police officer was assigned to the *** for two weeks of traffic accident investigation training. The classes were scheduled from 8:00 AM to 5:00 PM each day. In order to travel to and from the training site in *** each day, the police officer picked up a police vehicle at the *** in lieu of using his personal vehicle, since no travel expenses were provided to him for attending the training. The time spent traveling between and the training site (approximately 45 minutes each way) presumably occurred before 8:00 AM and after 5:00 PM each day.

The principles that apply in determining whether or not time spent in travel is compensable under FLSA depend upon the kind of travel involved. Those principles are discussed in sections 785.35 through 785.41 of Interpretative Bulletin, 29 CFR Part 785 (copy enclosed).

It is our opinion that the travel performed by the police officer at the beginning and the end of the workday from the officer's home to the municipal building and from there in a police vehicle to the *** is ordinary home to work travel and would not be considered to be compensable hours of work under the provisions of FLSA. An employee who travels from home before his or her regular workday and returns to his or her home at the end of the workday is engaged in ordinary home to work travel which is a normal incident of employment. (We note that the approximate 25 mile distance between *** is not an unreasonable distance for home to work commuting). This is true whether he or she works at a fixed location or at different sites. Normal travel from home to work is not worktime as discussed in sections 785.34 and 785.35 of Regulations, 29 CFR Part 785. The mere fact that the employer provides the employee with transportation, for the employee's convenience, does not convert such travel time to a principle activity. However, if there is a custom, contract, or practice providing that an employee's regular daily travel between home and the workplace is compensable, such time will be so regarded under the provisions of section 4 of the Portal-to-Portal Act of 1947 as indicated in section 785.34.

On the other hand, if the employer requires or directs an employee to drive an employer's vehicle to a job location, such travel time would constitute hours worked under the provisions of FLSA. In this regard, see section 785.38 of Part 785.

This opinion is based exclusively on the facts and circumstances described in your request and is given on the basis of your representation, explicit or implied, that you have provided a full and fair description of all the facts and circumstances which would be pertinent to our consideration of the question presented. Existence of any other factual or historical background not contained in your request might require a different conclusion than the one expressed herein.

Sincerely,

Samuel D. Walker
Acting Administrator

Enclosure