



DEPARTMENT OF ADMINISTRATION

Enterprise Policy

HR-NON-EXEMPT TRAVEL-2019

DIVISION OF HUMAN RESOURCES

Non-Exempt Travel Policy

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Kyle Adamonis

(401) 222-5664

kyle.adamonis@hr.ri.gov

1. Purpose

- a. The purpose of this Non-Exempt Travel Policy is to establish the pay rules that apply to non-exempt or "standard" (overtime eligible) employees when traveling on State business and to ensure compliance with government regulations.

2. Definitions

- a. **“Normal work hours”** - Normal work hours are defined as an employee's regularly scheduled work hours. This definition applies to normal workdays (Monday through Friday) and to weekends (Saturday and Sunday).
- b. **“Travel during the workday”** - Time spent by an employee traveling as part of his or her regular job duties, such as travel from jobsite to jobsite during the workday.
- c. **“Travel for a one-day assignment in another city”** - An employee who regularly works at a fixed location and is given a special one-day assignment in another city and returns home the same day.
- d. **“Overnight travel”** - Travel that keeps an employee away from home overnight.
- e. **“Commute time”** - The regular travel an employee takes from home to work and back again, which is not work time.

3. Procedures for Compliance

a. General

- (i.) Pay for non-exempt employees traveling on business is governed by the Fair Labor Standards Act (FLSA). The compensation an employee receives depends on the kind of travel and whether the travel time takes place within normal work hours.
- (ii.) Travel time will be paid at the employee's regular hourly rate, or overtime rate when the total number of hours worked is in excess of 40 hours in a pay week (Sunday through Saturday) or in accordance with the employee's standard work week. Non-exempt employees must be compensated for time spent traveling based on the guidelines outlined below.
- (iii.) Travel during the workday: Time spent traveling during the workday (or normal work hours) is considered compensable work time and will be paid as such. Normal travel from home to work and travel from work to home at the end of the workday is not compensable.

1. If an employee performs authorized work-related errands while commuting from home to work or from work to home, the time spent performing such work is compensable. Similarly, if an employee is transporting or delivering materials or equipment to a job site prior to the start of the workday and/or returning materials or equipment after the end of the work day, the time spent performing such work is compensable.
- (iv.) Travel for a one-day assignment in another city: An employee who is given a special one-day assignment in another city and returns home the same day will be paid for the time spent traveling to and from the other city, except for the time the employee would normally spend commuting to and from the regular worksite. This is applicable regardless of whether the employee is the driver or the passenger.
1. In a one-day assignment travel time between the employee's home and the airport or train station is considered home to work travel time and, therefore, not compensable if outside normal work hours.
- (v.) Overnight Travel: Travel that keeps an employee away from home overnight is compensable when it cuts across an employee's normal work hours, regardless of the day of the week. When an employee travels between time zones, the time zone associated with the point of departure will be used to determine whether the travel falls within normal work hours.
1. Time spent traveling from home to an airport terminal or train station and time spent waiting at an airport or train station that falls outside of normal work hours is not compensable.
 2. Time spent at a hotel with freedom to use time for the employee's own purposes, including eating meals, engaging in personal activities and time spent sleeping, is not compensable. Time spent traveling between the hotel and a meeting site is not compensable.
- (vi.) 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, regardless of whether the travel takes place within normal work hours or outside normal work hours.
1. If an employee requests a specific travel itinerary or mode of transportation that is different from the one authorized by the State, only the estimated travel time associated with the itinerary and mode of transportation that has been authorized will be eligible for compensation. For example, if an employee drives a vehicle as a matter of personal preference when an authorized flight or other travel mode is available and paying for travel by car would exceed the cost of the authorized mode, only the estimated travel time associated with the authorized mode will be counted as hours worked.
- (vii.) Travel time as a passenger: Travel time as a passenger in an automobile is not automatically treated as work hours. It is treated the same as all other forms of travel. Riding as a passenger when the employee is required to perform work (for

example, to serve as an assistant, respond to email, or take business related phone calls) is compensable time.

- (viii.) Travel on a non-work-day- If an employee is traveling on a non-workday, the employee's regular work hours would apply for consideration of hours worked. For example, if the employee regularly works from 8:30 a.m. to 4:30 p.m., Monday through Friday, traveling during the same hours on Saturday and Sunday is considered hours worked.

b. Process

- (i.) Calculating and Reporting Travel Time - Employees are responsible for accurately tracking, calculating, and reporting travel time on their time sheets in accordance with this policy.
- (ii.) Meal periods should be deducted from all travel time.

4. Signatures


Division Director


Date


Director of Administration


Date