

# Overtime Compensation for Non-Exempt Employee Travel And Training

By: Matt Fitzsimmons

**T**he extent to which non-exempt employees are entitled to overtime compensation for travel and training is very confusing. These are the basic rules regarding overtime compensation for travel, trips, and training for non-exempt employees.

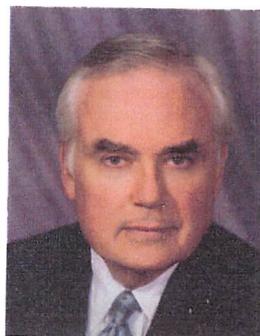
Time spent by an employee in travel as part of his/her principal work activity, such as travel from job site-to-job site or office-to-office, during the normal workday is work time. It must be counted as hours worked. This is commonly referred to as "travel that is all in a day's work."

Travel that keeps an employee away from home overnight is "travel away from home." Travel away from home is considered work time when it occurs during the employee's normal workday. If the travel occurs during normal work hours on a non-workday, such as a Saturday, that travel time is also compensable. During travel away from home, time spent at a hotel sleeping or for the employee's own purposes is not compensable. As a general enforcement policy, the U.S. Department of Labor does not consider time spent in travel away from home outside of normal, regular working hours as a passenger on an airplane, train, boat, bus, or in a car as work time.

To the extent that an employee performs work while traveling, e.g., preparing for a meeting, reviewing documents, making phone calls, and the like, this time constitutes hours worked -- even if the travel time is otherwise non-compensable.

With regard to training programs, attendance at lectures, meetings, training programs, and similar activities need not be counted as working time only if four criteria are met: it is outside normal working hours; it is voluntary; it is not job-related; and no other work for the employer is concurrently performed. If these four prongs are not met, then training time is considered as compensable hours worked.

Please feel free to contact me if you have any questions about overtime compensation issues.



*Matt Fitzsimmons is a long-time resident of Beach Cliff. He is a lawyer in private practice as a partner at the Cleveland law firm of Nicola, Gudbranson & Cooper, LLC. He is also an Adjunct Professor of Law at Cleveland Marshall College of Law of Cleveland State University. He can be reached at (216) 621-7227 or [fitzsimmons@nicola.com](mailto:fitzsimmons@nicola.com).*