

DIRECTIVE NUMBER 300-19-12

DATE: February 15, 2013

TO: All Kansas Department of Labor Employees

FROM: Lana Gordon, Secretary of Labor

SUBJECT: Travel Time Compensation

1.0 Purpose

1.1 To advise non-exempt employees of KDOL policy concerning travel time compensation.

2.0 Reference

2.1 K.A.R. 1-5-24, Fair Labor Standards Act (FLSA); Directive [300-01-10](#).

3.0 Policy

3.1 It is the policy of the Department of Labor to compensate employees who travel on agency business in accordance with applicable federal and state laws and regulations. This policy applies only to employees whose positions are considered non-exempt (eligible for overtime compensation) under the Fair Labor Standards Act (FLSA).

4.0 Definitions

4.1 Work week: The period commencing at 12:01 a.m. Sunday through midnight the following Saturday. Each work week stands alone in determining overtime or figuring rearranged time.

4.2 Overtime: Any hours, in excess of 40, actually worked during a workweek. Hours worked in excess of 8 per day do not necessarily constitute overtime hours. An overtime situation exists only when total hours actually worked in a workweek exceed 40.

4.3 Rearranged time: When a non-exempt employee works additional time that could result in overtime hours, the employee will be given equivalent time off, on an hour-for-hour basis, within the workweek in which the additional time is worked if this arrangement is not detrimental to agency operations.

5.0 Procedure

5.1 Normal travel from home to work is not work time and is not compensable. Time spent by an employee in travel as part of his/her principal activity, such as travel

from employer location to employer location during the workday, must be counted as hours worked.

- 5.2 Required attendance at meetings, conferences, training programs and similar activities is hours worked on both regular workweek days (Monday through Friday) as well as on weekends. Time spent traveling to or from such activities is hours worked in accordance with the FLSA and agency guidelines.
- 5.3 Time spent in travel away from home outside regular work hours as a passenger in an airplane, train, bus or automobile is not considered work time under the FLSA. However, because this section of the law is permissive, KDOL adopts the following:
 - 5.3.1 A non-exempt employee who travels on state business as either a driver or passenger will be compensated for travel regardless of the time of day or day of the week.
 - 5.3.2 Non-exempt employees will be compensated for required airport waiting time.
- 5.4 If an employee is given permission to drive his/her own vehicle instead of available public/commercial transportation, the employee will be compensated for the time that would have been counted as work time had the employee used public/commercial transportation.
- 5.5 The employee is required to work with his/her supervisor whenever possible to develop a written plan in advance of the travel to show how work hours will be rearranged to avoid the accumulation of compensatory time or overtime. Assistance is available from HR staff.
- 5.6 This Directive addresses issues of travel time pay only—not per diem.
- 5.7

6.0 Inquiries

- 6.1 Contact HR by email at human.resources@dol.ks.gov or at 785-296-5000 x:2565

7.0 Revision History

- 7.1 April 2016

Signature on file

Lana Gordon, Secretary of Labor

Rescissions: 300-01-06

Expiration Date: Continuous