

Employers Council, the nation's largest employers association, has provided expert assistance and thoughtful guidance to employers since 1939. We collaborate with our members to develop effective, successful employer-employee relationships by providing "one-stop shopping" in every facet of human resources and employment law. Employers Council offers the broadest array of professional services under one roof. We walk alongside our members, offering guidance, support and expertise.

For more information about our services, contact the Utah office at 801.364.8479 or [SaltLakeCity@EmployersCouncil.org](mailto:SaltLakeCity@EmployersCouncil.org).

Ryan D. Nelson, Esq.  
Utah President

---

## **Travel Time for Employees without Normal Working Hours**

July 2018 / Employers Council

Last month I presented a wage and hour topic at Congress in regions 4 and 8. I emphasized that many problems arise when employers fail to recognize and count certain hours worked as compensable hours. Many club owners had questions about travel time and when it must be paid to non exempt employees as hours worked. Coincidentally, the U.S. Department of Labor (DOL) recently issued [guidance](#) about compensating employees for time spent traveling away from home when they do not have "normal working hours."

Generally, when a non exempt employee travels away from home by airplane, train, bus, boat, or automobile (e.g., flying out-of-state for training or assignments) the employee should be paid for the travel time when it cuts across the employee's normal working hours, regardless of whether the travel occurs on a regular workday or weekend. For example, if an employee who normally works Monday to Friday, from 8 a.m. to 5 p.m., takes a Sunday afternoon flight, the time spent traveling would be compensable if the travel took place between 8 a.m. and 5 p.m. on Sunday. [Click here](#) for additional DOL guidance on travel time.

For employees without normal working hours (like some of your coaches), the DOL guidance provides employers with two acceptable methods of reasonably ascertaining an employee's normal working hours. The employer may use an average of the employee's start and end times during the most recent month of regular employment to determine normal working hours. Alternatively, if the above method is insufficient or inapplicable, employers may negotiate with the employee and agree about what constitutes the employee's normal working hours. If either of these methods are used by the employer when an employee truly has no normal working hours, the DOL will not assert wage violations when employees are not paid for travel time occurring outside these normal working hours.