

# Travel That is Hours of Work Under Title 5

<http://www.opm.gov/oca/WORKSCH/HTML/TRAVEL.asp>

## EXEMPT

Under 5 U.S.C. 5542(b)(2) and 5 CFR 550.112(g), official travel away from an employee's official duty station outside normal work schedule is hours of work if the travel is –

- Within the days and hours of the employee's regularly scheduled administrative workweek, including regularly scheduled overtime hours, or
- Outside the hours of the employee's regularly scheduled administrative workweek, is ordered or approved, **and** meets one of the following four conditions –
  - involves the performance of work while traveling (such as driving a loaded truck);
  - is incident to travel that involves the performance of work while traveling (such as driving an empty truck back to the point of origin);
  - is carried out under arduous and unusual conditions (e.g., travel on rough terrain or under extremely severe weather conditions); or
  - results from an event that could not be scheduled or controlled administratively by any individual or agency in the executive branch of Government (such as training scheduled solely by a private firm or a job-related court appearance required by a court subpoena).

Note: An agency may not adjust an employee's normal regularly scheduled administrative workweek solely to include travel hours that would not otherwise be considered hours of work.

## Travel That is Hours of Work Under the FLSA

### NON-EXEMPT

For FLSA-covered employees, time spent traveling outside the normal work schedule is hours of work if –

- an employee is required to travel during regular working hours (i.e., during the regularly scheduled administrative workweek);
- DRIVER - an employee is required to work during travel (e.g., by being required to drive a Government vehicle as part of a work assignment);
- NON-DRIVER - 1-Day Assignment - an employee is required to travel as a passenger on a 1-day assignment away from the official duty station; or
- OVERNIGHT ASSIGNMENT - an employee is required to travel as a passenger on an **overnight** assignment away from the official duty station during hours on nonworkdays that correspond to the employee's regular working hours. (See 5 CFR 551.4522(a).) (NON-DRIVER)

Note: An agency may not adjust an employee's normal regularly scheduled administrative workweek solely to include travel hours that would not otherwise be considered hours of work.