

Scenarios for Supervisors

- **Non-exempt Nathan normally works at 1600 Hampton in Columbia but on Thursday he must work in Greenville for a special one day assignment. Do we need to pay non-exempt Nathan for some or all of his travel time?**

If non-exempt Nathan regularly works at a fixed location in one city and has to work a special one day assignment in another city and returns home the same day, the time spent traveling to and from the other city is work time, except the employer may deduct that time the employee would normally spend commuting to the regular work site.

- **Non-exempt Nancy has a work related conference/meeting held at an offsite location. The meeting starts at 11 am and concludes the next day, after lunch at 1pm. The travel time to the meeting is 2 hours. What is considered work time?**

Non-exempt Nancy should report to her office at her normal start time, leave to attend the meeting at 9 am and return to her office at 3 pm the next day. If non-exempt Nancy does not report to work before or after the meeting, then leave time needs to be reported. Travel time is counted as work time as well as time in attendance at the conference/meeting, and working lunches. Mingling and optional entertainment that occurs outside of normal work hours is not counted as time worked.

- **On Friday, non-exempt Natalie has to take an overnight trip out of town for business. What is considered work time?**

When non-exempt Natalie is traveling during her normal work hours, she gets paid. Natalie will also get paid during non-work hours, except when Natalie is a passenger on an airplane, train, boat, or bus. However, if Natalie is performing work while a passenger (i.e. checking emails, preparing for a meeting), then that is considered work time.

- **Non-exempt Natalie decided she was going to drive on Friday to go to her conference. Her boss told her she would have to leave at the end of the business day (5 pm). What is compensated?**

Since Natalie is driving herself to the conference after work on Friday, this is considered work time.

- **While non-exempt Natalie left on Friday to go out of town on business, non-exempt Ned had to leave on Sunday. Non-exempt Ned normally works Monday through Friday from 8 am-5 pm. What is compensated?**

Any travel time that occurs between 8 am and 5 pm, even though non-exempt Ned is traveling on Sunday, is considered work time.



There is no obligation under federal law to pay for travel time before 8 am or after 5 pm. So, if non-exempt Ned does not start his travel until 6 pm on Sunday, no compensation is required.

However, if non-exempt Ned is reviewing notes on the plane or preparing for his meeting, then it is compensable. If non-exempt Ned flies from 10 am to 4 pm, all this time is compensable as it corresponds to his normal scheduled work time.

- **Non-exempt Nora resides on our premises. Do we have to pay her while she sleeps?**

No, you do not have to count the time non-exempt Nora sleeps as work time as long as the following conditions are met:

- There is an express agreement that excludes sleeping time.
- Adequate sleeping facilities for an uninterrupted night's sleep are provided.
- At least five hours of sleep are possible during the scheduled sleeping periods.

Interruptions to perform duties are considered time worked.

- **What about the other times non-exempt Nora is living on the premises but is not considered working? Do we have to pay for that time as worked?**

If non-exempt Nora is on her off duty time (complete freedom from all duties) and free to eat, watch television, exercise, play or engage in other personal endeavors, then that time is not considered work time.

- **If non-exempt Nancy checks her emails and responds to email after 5 pm, is this considered work time?**

Yes, if non-exempt Nancy is checking and/or responding to emails, calls or texts after 5 pm, it is considered work time.

Also, if the employee is checking emails or answering phone calls during their lunch break, this is considered work time as well.

- **What happens if non-exempt Nancy worked overtime but did not receive approval from her manager or supervisor?**

Non-exempt Nancy is entitled to payment or compensatory time for any hours worked whether overtime is approved or not. The manager or supervisor will need to discuss and communicate with non-exempt Nancy about approval for overtime and if it continues, seek guidance from Employee Relations at 777-7550.

- **Ned is currently exempt in his primary job and also has dual employment. However, Ned will become non-exempt based on the FLSA new rules. What happens to his dual employment?**



Non-exempt Ned will now become non-exempt in his dual position and is entitled to overtime if he works over 40 hours in a work week. Both positions count towards the 40 hours in one work week.

- **Non-exempt Nadia has a recruiting fair in the morning and another in the evening. Is the whole day counted as compensable time?**

It depends. If non-exempt Nadia is working throughout the entire day and then traveling to the second fair, it is compensable time. If between the two recruiting fairs, she has down time for at least an hour to run personal errands, this time is not compensable.

