

COMPLIANCE ALERT

DOL: OPINION ON COMPENSABLE WORKPLACE TRAVEL TIME

On December 31, 2020, the Department of Labor (DOL) issued an opinion letter (2020-19) on the compensability of travel time. The letter was based on the recent trend of many employees working at home due to the COVID-19 pandemic.

The opinion letter covered two scenarios that an employer may need to consider. In both cases the DOL concluded that the time an employee spends traveling (specific to the aforementioned scenarios) is NOT considered compensable time.

In the first scenario, an employee who works at the office, travels to attend a parent-teacher conference and then travels home to finish the workday, remotely.

The second scenario considers an employee who begins the work day from home, travels to a doctor's appointment during the day and then travels from the appointment to the office for the remainder of the shift.

As noted, the DOL opined that the time an employee travels to such appointments is considered "off duty" or what would be considered "normal commuting time" since the employee in each scenario was tending to personal tasks. What is key here is that during the time the employee was traveling, the employee was free to use the time effectively and for their own purposes, prior to resuming work.

The DOL also noted that the time the employee travels in such cases is not considered worksite-to-worksite travel and does not fall under the continuous workday doctrine since the employee is traveling for off-duty reasons.