

LAWS LIMIT EMPLOYER'S OBLIGATION TO PAY TRAVEL TIME

TRUE OR FALSE?

1. Employers are required to pay mileage to employees who use their own vehicles for work.

False. Contrary to popular belief, there is no law requiring employers to pay mileage to their employees when they use their own vehicles for work-related travel. Many employers have a policy to this effect, however, and it is something often negotiated in collective bargaining agreements.

2. Employers do not have to pay employees for normal home-to-work, work-to-home travel.

True. This is known as “portal to portal” time, and is not compensable. Although the law usually requires employers to compensate employees for travel time once they arrive at work, it's up to the employees to actually get there - on their own time and at their own expense.

3. Once an employee arrives at work, the employer is required to pay for all travel time from one worksite to another - such as time spent in making deliveries, visiting customers, working at different offices, etc.

True. Employees must be paid for travel that is “all in a day's work.”

4. As long as the employer pays at least minimum wage (\$7.80 per hour) for all of an employee's travel time, there should be no legal problems.

It depends! There would not be a violation of wage and hour laws if the employee was paid at this level. However, if the employer normally paid the employee \$15.00 an hour and this reduced rate showed up without explanation on the paycheck, the employee might believe there had been a violation of the employer's policy – and seek a quasi-contract type of claim against the employer. As with so much else in employment relationships, the key is *communication, communication, communication.*

5. If an employee is required to travel and stay overnight for a work-related function, he must always be paid for all his travel time.

False. If the employee is driving to the function, all the travel time must be paid. However, if the employee is a passenger (in a car, airplane, bus, etc.), she need only be paid for time that “cuts across” her normal work hours.

Example: An employee normally works from 9 to 5 and boards a train at 2 pm for an overnight business trip. The train arrives at the destination at 6 pm. The employee must be paid from 2 pm to 5pm, but does not have to be paid for the final hour of the train ride.

This rule is applicable for any day of the week in which the employee is traveling, including days that that she wouldn’t usually be working (such as Saturdays and Sundays). It does not apply in travel situations not involving an overnight stay.

6. If my employee normally works in Portland and I send him to our Salem office for the day, I have to pay him all of his travel time from his home to our Salem office and back.

True. Whenever an employee travels to a one-day assignment in another city that is at least 30 miles away from his usual workplace, the employer must pay for his home-to-work and work-to-home travel for that day.

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