

Examples of a Non-Exempt (paid hourly) and Non-Exempt Professional Employee and Overnight Travel

- A.** When the travel takes place outside the employee's normal work days; the employee is required to be compensated for the travel time if he/she is the driver to the airport or hotel. (Reference V. b)
- B.** When the travel takes place outside the employee's normal work days but within his/her work hours, he/she is required to be compensated for the travel time. (Reference V. a)
- C.** Passenger employees in car or common carrier are not required to be compensated outside his/her work hours. (Reference V. b)
- D.** The employee is compensated for all conference required events that involve training or a speaker. The employee is not compensated for social events, meals without speakers or meals when work is not being performed. (Reference I. a. iv)
- E.** An employer may rearrange the work schedule within the work week to avoid additional compensation hours. (Reference I. d)
- F.** When the travel falls during the employee's regular work day, the travel time is compensable. (Reference V. a)
- G.** If the time zone changes during the travel day, you will need to count "actual" hours. To determine work hours on travel days use Eastern Time Zone for both days in order for the employee to not be advantaged or disadvantaged based on time changes. For non travel days, use local time. (Reference V. d)

Example 1 – No Adjustments to Schedules

For this example, the employee's work schedule is Monday through Friday (defined as work days) 8 a.m. to 4:30 p.m. (defined as work hours) with a 1hour lunch. The conference began Sunday night at 5:20 p.m. with a business meeting and ended on Wednesday at 12:10 p.m. The employee worked his/her normal schedule the days following the conference. No time zone differences.

Sunday (not a normal scheduled work day but most of travel is within work hours - **B**)

9:40 am - 10:40 am Employee *drives* to Indianapolis (compensated – **A & B**)

10:40 am - 11:40 am Employee at airport (compensated - **B**)

11:40 am - 4:30 pm Plane flight (compensated– **B**)

4:30 pm - 5:20 pm Arrived & took shuttle to hotel (not compensated - **B**)

5:20 pm- 6:00 pm Opening Business Meeting (compensated - **D**)

6:00 pm - 9:00 pm Opening Reception (not compensated- **D**)

Total compensation for the day is 6.5 hours (Hours of 9:40 am to 4:30pm {in normal work hours less normal lunch break of 1hour} and 5:20 pm-6 pm)

Monday (normal scheduled work day)

8:00 am - Noon Conference Sessions – (compensated - **D**)

1:00 pm - 4:30 pm Conference Sessions – (compensated - **D**)

Total compensation for the day is 7.5 hours.

Tuesday (normal scheduled work day)

8:00 am - Noon Conference Sessions – (compensated - **D**)

1:00 pm - 4:30 pm Conference Sessions – (compensated - **D**)

- Total compensation for the day is 7.5 hours.

Wednesday (normal scheduled work day and most of travel is within normal work hours - **F**)

8:00 am - Noon Conference Sessions (compensated - **D**)

Noon – 10:45 pm Employee leaves hotel/shuttle airport, flight, arrives (partially compensated hours, hours from 4:30pm to 10:45pm not compensated – **F**)

10:45 pm -11:45 pm Employee *drives* from Indianapolis (compensated - **A**)

- Total compensation for the day is 8.5 hours. (7.5 hrs. {normal work hours & work day} and 10:45pm-11:45pm)

Thursday (normal scheduled work day)

8 am -Noon Worked (compensated)

1 pm -4:30 pm Worked (compensated)

- Total compensation for the day is 7.5 hours.

Friday (normal scheduled work day)

8 am -Noon Worked (compensated)

1 pm -4:30 pm Worked (compensated)

- Total compensation for the day is 7.5 hours.

➤ Total compensation for the week is 45.00 hours.

Example 2 - Adjusted Work Schedules

For this example, the employee's work schedule for the work week has been adjusted (E). The employer has informed the employee that any hours incurred that may result in extra compensation will be adjusted in the remaining work week. The employer determined the employee should leave early on Thursday and not work on Friday. The conference began Sunday night at 5:15 p.m. with a business meeting and ended on Wednesday at 12:10 p.m. No time zone differences.

Sunday (not a normal scheduled work day but most of travel is within work hours - **B**)

9:40 am - 10:40 am Employee *drives* to Indianapolis (compensated – **A & B**)

10:40 am - 11:40 am Employee at airport (compensated - **B**)

11:40 am - 4:30 pm Plane flight (compensated– **B**)

4:30 pm - 5:20 pm Arrived & took shuttle to hotel (not compensated - **B**)

5:20 pm- 6:00 pm Opening Business Meeting (compensated - **D**)

6:00 pm - 9:00 pm Opening Reception (not compensated- **D**)

☐ Total compensation for the day is 6.5 hours (Hours of 9:40 am to 4:30pm {in normal work hours less normal lunch break of 1 hour} and 5:20 pm-6 pm)

Monday (normal scheduled work day)

8:00 am - Noon Conference Sessions – (compensated - **D**)

1:00 pm - 4:30 pm Conference Sessions – (compensated - **D**)

- Total compensation for the day is 7.5 hours.

Tuesday (normal scheduled work day)

8:00 am - Noon Conference Sessions – (compensated - **D**)

12:00 pm - 4:30 pm Conference Sessions – (compensated - **D**)

- Total compensation for the day is 7.5 hours.

Wednesday (normal scheduled work day and most of travel is within normal work hours - **F**)

8:00 am - Noon Conference Sessions (compensated - **D**)

Noon – 10:45 pm Employee leaves hotel/shuttle airport, flight, arrives (partially compensated – **F**)

10:45 pm -11:45 pm Employee *drives* from Indianapolis (compensated - **A**)

- Total compensation for the day is 8.5 hours. (7.5 hrs. {normal work hours & work day} and 10:45-11:45)

Thursday (normal scheduled work day)

8 am - Noon Worked (compensated)

1:00 pm – 4:30 pm Worked (compensated)

- Total compensation for the day is 7.5 hours.

Friday (Off work)

➤ Total compensation for the week is 37.5 hours.