

TRAVEL AND PAY

SEPTEMBER SUPERVISORS FORUM

PORTAL-TO-PORTAL

What BOLI Says: Portal-to-portal is another way of saying “commute”. It includes normal home-to-work and work-to-home travel at the beginning and end of a single work day. Employees are not paid for this travel time unless there is a policy or contract promising to pay for it.

The City does not have this policy or contract language. We do not pay for time spent commuting from portal-to-portal.

Q&A

Q: If your employer allows you to take a company vehicle home, do they have to pay travel time from home to the job site and vice versa?

A: No, as long as you perform no work duties until reaching the first work site. This is considered normal home-to-work/work-to-home travel, and the time does not have to be compensated.

Q: If my employer requires me to stop at one location at the beginning of the day to receive instructions or to pick up tools or a company vehicle before reporting to the actual work site, do they have to pay you for any of the travel time?

A: Yes. The travel from your home to the first location does not need to be compensated, since it falls under the portal-to-portal/commute rule. But once you arrive at the first required location, you are “on the clock” and the subsequent travel time is compensable.

TRAVEL BETWEEN WORKSITES

What BOLI Says: Travel between worksites includes travel within a single day between multiple work sites. In general, employers must pay employees for this time if they must travel to accomplish the days work.

The City pays employees for travel between worksites, and pays mileage, upon request, if the employee uses their personal vehicle.

SPECIAL ONE-DAY ASSIGNMENTS

What BOLI Says: If an employee is required to report to an alternate work site over 30 miles away from their normal fixed work location, the employer generally must pay the employee for that travel time.

Note – it's 30 miles from their normal fixed work location – not their home.

Q&A

Q: I was sent from my normal Lake Oswego office to a training in Salem, OR. I did not stay overnight in Salem and returned home the same day. Should I be paid for the travel time?

A: Yes. Because the one-day assignment was to a city beyond a 30-mile radius of your official work station, the travel time involved must be paid.

Q: Do compensable travel hours have to be included when calculating overtime?

A: Yes. Compensable travel hours must be counted for purposes of calculating whether you have performed more than 40 hours of work in a single workweek. Note: LO also pays OT for more than 8 hours worked in a day, in addition to 40 hours in a week.

OVERNIGHT TRAVEL

What BOLI Says: On overnight trips, all the time you spend traveling during normal work hours must be paid – even on weekends. Your employer is not legally obligated to pay employees for travel time that falls outside your regular work hours, except when you are required to drive.

Note – this only applies when they are required to drive. If two employees carpool, the driver would be paid and the passenger would not, for hours spent driving outside their regular work hours.

EXAMPLE #1

Chet's regular work schedule is 8:00 am to 5:00 pm, Monday through Friday. His employer requires him to attend a two-day business conference in Boise, ID. Chet travels by bus on Wednesday, from 10:00 am to 4:00 pm. The employer must pay for these six hours of travel time, since they cut across Chet's normal work hours. Chet returns home by bus on Saturday, traveling from 2:00 pm to 8:00 pm. The employer must pay for the three hours between 2:00 pm and 5:00 pm, the travel time which cuts across Chet's normal work hours. This is required even though Chet does not normally work on Saturdays.

EXAMPLE #2

Jane's regular work schedule is 8:00 am to 5:00 pm, Monday through Friday. Her employer sends her from Portland to a work-related weekend convention in Chicago on a Friday night "red-eye" flight from midnight to 5:00 am. Since Jane is traveling as a passenger outside of normal work hours, the employer needn't pay for any of the travel time.

EXAMPLE #3

Peter, whose regular work schedule is 8:00 am to 5:00 pm, Monday through Friday, travels by plane to an out-of-state business meeting. The air travel takes place from 12:00 noon to 5:00 pm. At the airport, Peter is required to pick up a rental car and drive an additional five hours to reach the remote city where the meeting will take place. In this case, the employer must pay for the 10 hours of travel time – the five hours of air travel which cut across Peter's normal work day, plus the five hours of car travel which fall outside of Peter's normal work hours, since he is required to drive during that time.

EXAMPLE #4

Donna normally works the graveyard shift, from 12:00 midnight to 8:00 am. Donna's supervisor assigns her travel to California for a week-long business trip. The supervisor offers Donna a bus ticket from travel from 6:00 am to 2:00 pm but Donna chooses to drive her private vehicle instead. In this case, since Donna was offered transportation as a passenger and was not required to drive, the employer may chose to pay Donna for all the hours she spends driving her car, but is only legally obligated to pay for the two hours of travel from 6:00 am to 8:00 am – the time that would have been compensable had Donna accepted the bus ticket.

LOMEA/AFSCME CBA RELEVANT LANGUAGE

Article 24 addresses Training and Conferences:

Section 24.1. Except as set forth in Section 24.2 below, when employees are required to participate in any training or conference outside their regular work schedule, such hours shall be considered hours worked and compensated at the overtime rate. Employees will not be compensated for time spent participating in social activities related to such training or conference outside their regular work schedule.

Section 24.2. Employees may be required by their supervisor to flex their time, per Section 6.1 and Section 7.2, during the workweek in which a training or conference occurs to avoid the payment of overtime.

LOMEA/AFSCME CBA RELEVANT LANGUAGE

Article 24 addresses Training and Conferences:

Section 24.3. Commuting time shall also be considered hours worked, consistent with applicable law. When an employee is required to attend a training or conference at a location that is closer to their home than the employee's regular work site, the employee may be directed by the City to report directly to the training or conference site. In this situation the employee will not be compensated for time spent commuting to and from their home and the training or conference site, unless it is during the course of their working hours.

Note: There is no relevant language in the IAFF or LOPOA CBA's

LOMEA/AFSCME CBA RELEVANT LANGUAGE

Appendix D Alcohol and Drug Testing addresses Training and Conferences:

Section 8: Exceptions for Moderate Consumption for Employees 21 Years or Older

Alcohol may be consumed in moderation, i.e. to the cutoff levels references in Attachment B, at City sponsored events and professional functions (including receptions or dinners); at business entertainment meetings held during business hours; or at municipal locations where service of alcohol has been approved in advance by the City. In addition, it will not be considered a violation of this Policy for an employee to be in possession of unopened alcoholic beverages on the job.

Moderate alcohol consumption must not violate any other provisions of this Policy, including remaining professional and fit for duty.

If there is a possibility that employees' consumption of alcohol will render them in violation of laws regulating the operation of motor vehicles, the employees are prohibited from driving-following such meetings or events.



QUESTIONS?

