

## Minimum Wage Opinion Letter **05-06-02 - Travel Time - Riding on Company Trucks**

May 6, 2002

I am writing in response to your request for this Office's written opinion regarding the compensability of travel time in three different scenarios. At the outset, you have stated that you understand that the drivers of the trucks in all scenarios must be paid for the time driving as hours worked; your questions concern the compensability of travel time for the passenger workers. I will assume, given the nature of your business, that these employees have no one regular worksite, but that the worksite changes with each new job. I will deal with each scenario in turn. [\[1\]](#)

1. Employees are not required to come to the main office at the start of the work day and have the option to meet at the jobsite. Some employees who lack transportation choose to ride in company trucks from the office to the job site. Is the time spent riding to the jobsite from the office and from the jobsite back to the office compensable time?

Under the Massachusetts Minimum Fair Wage Law, M.G.L. c. 151, and regulations promulgated thereunder, 455 C.M.R. §2.01 et seq., travel to an employee's work site at the beginning of the workday and travel from the same at the end of the work day is not "working time," and therefore is not compensable time. [\[2\]](#) Therefore, provided travel on the company trucks is offered on an optional basis - i.e. the employee is not required to use it - and the transportation is offered at the beginning and end of the workday, the employer need not pay for the travel time. As you stated, the employee who is required to drive the company truck to the worksite must be compensated for the travel time as that is travel during that employee's workday. (See Question 2 below.)

2. Employees are required to come to the main office to load trucks at the start of the workday. These employees then ride in company trucks to and from the jobsite. If they are given the option of driving their own vehicles to the jobsite and are free to leave the jobsite after the shift but choose to ride in company trucks back to the main office, is the time spent traveling to and from the jobsite compensable time?

Under Massachusetts law, "[a]n employee who is required or directed to travel from one place to another after the beginning of or before the close of the workday shall be compensated for all of the time spent traveling at the same rate as for working time, and shall be reimbursed for all transportation expenses." 455 C.M.R. §2.03(2). Therefore, the time spent traveling from the office, after loading the trucks, to the jobsite -- whether it is done in company or private vehicles -- is compensable time. As stated earlier, travel from the worksite at the end of the workday is not "working time," and therefore is not compensable time. Therefore, provided travel on the company trucks back to the main office is offered on an optional basis - i.e. the employee is not required to use it - and the transportation is offered at the end of the workday, the employer need not pay for the travel time. Of course, the employee required to drive the truck back to the main office has not completed his/her workday and must be compensated for that travel time.

3. Employees are required to come to the main office at the start of the workday to load trucks. These employees then either ride in company trucks or take their own vehicles to and from the jobsite, but are required to return to the main office to unload the trucks. Is the time spent traveling to and from the jobsite, in either company trucks or private vehicles, compensable time?

In this case, all travel time for all employees is travel "after the beginning of or before the close of the workday;" therefore, all time is compensable time regardless of whether the employees ride in company or private vehicles.

Finally, you have asked if compensation for travel time affects overtime pay. Compensable travel time is treated as hours worked and must be counted in computing whether an employee has worked in excess of 40 hours in a given workweek.

I hope this information has been helpful. If you have any further questions, please feel free to contact me.

Sincerely,  
Lisa C. Price  
Legal Counsel

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[1] Please note that employers are also subject to the federal minimum wage and hour law, found in the Fair Labor Standards Act (FLSA), and regulations promulgated thereunder. For information about applicable federal wage and hour laws, you should contact the U.S. Department of Labor. The telephone number for the Boston Office is (617) 624-6700.

[2] Working time is defined in 455 C.M.R. §2.01, in pertinent part as, “all time during which an employee is required to be on the employer's premises or to be on duty, or to be at the prescribed workplace, and any time before or beyond the end of the normal shift to complete the work.”

= Names have been omitted