

Minimum Wage Opinion Letter **10-09-01 – Travel Time to Alternate Work Site**

October 9, 2001

Your letter to Attorney General Thomas Reilly regarding compensability of travel time has been forwarded to this Office. While the Attorney General's Office enforces the Massachusetts Minimum Fair Wage Law and Regulations, the Division of Occupational Safety is responsible for interpreting that law.

On behalf of a client, you have asked about the compensability of travel time in two scenarios where hourly employees normally assigned to one work site are required to report to an alternate work site. In the first scenario, employees normally assigned to your client's Gardner office are required to attend a one-day training seminar in Marlboro. On those days, these employees commute directly to the Marlboro site from their respective homes rather than come to the Gardner office. For some employees, travel to this alternate site may exceed their normal commuting time to Gardner. In the second scenario, an employee normally assigned to your client's Gardner office is periodically assigned to an Auburn office to cover for vacationing employees. The employee reports directly to the Auburn Office, and these assignments may last from one to five days in duration. The employee's commuting time to the Auburn office exceeds his/her normal commute to the Gardner office.

The Massachusetts Minimum Wage Regulations state that "[i]f the employee is required, for the convenience of the employer, to report to a location other than his/her regular work site, the beginning of the work day shall be construed to include only the additional time it would take for the employee to travel from the regular work site to the alternate work site and return, with allowance for associated transportation expenses." 455 C.M.R. 2.03(2). [\[1\]](#)

Since you use the term "assigned to," it appears that in both of the scenarios you have posed the employees are required by their employer to report to a location other than their regular work site "for the convenience of the employer." Therefore, your client is required to compensate these employees for the additional time that it takes to travel to and from the alternate sites, in excess of their normal commuting time. Finally, you have asked if the length of any reassignment matters. The requirement to compensate for additional time applies regardless of whether it is a temporary one or five-day reassignment from the regular work site.

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

[\[1\]](#) The federal minimum wage law contains a similar requirement. See 29 C.F.R. §785.37. If you have any questions regarding this regulation, you should contact the U.S. Department of Labor.