

DAS Directive

Directive No. **HR-D-07**

Effective Date: **09-01-2009**



To: All Appointing Authorities and Personnel Officers
From: Hugh Quill, *Director of Administrative Services*
Re: Compensation for Employee Travel and Training

PURPOSE

The purpose of this directive is to establish a uniform policy and guidelines related to compensation for employee travel and training, and to establish uniform guidelines related to the accrual of frequent flier miles by state officials and state employees while traveling on official state business.

OVERTIME COMPENSATION POLICY FOR OUT-OF-TOWN TRAVEL/TRAINING PROGRAMS

General

“Working time” is generally compensable time. The principles which apply in determining whether time spent in travel is “working time” depend upon the kind of travel. Travel time as a *passenger* on an airplane, train, boat, bus or automobile outside of regular working hours is not considered work time and is not compensable. Thus, evening travel policies, which require, when possible, employees to travel after their regularly scheduled workday are recommended.

An overtime eligible employee who travels away from home on state business must be paid for time spent in travel (except meal periods) during their normal working hours on their regular working days, as well as their non-working days, such as Saturday, Sunday and holidays. Only the actual time spent in travel away from home during normal working hours is compensable.

Note: Any actual work the employee does while traveling outside of regular working hours is compensable work time. Such work should be pre-approved if it will result in overtime work. If an employee drives a car without being offered public transportation, that travel is compensable as work and that employee is entitled to overtime compensation for any hours traveled in excess of 40 hours in a calendar week, regardless if the travel was after regularly scheduled work hours. Any overtime eligible employee who works or has compensable travel time in excess of 40 hours in any calendar week should be compensated in accordance with Directive No. 00-07, Overtime Compensation.



Conference, Training and Meetings

An overtime eligible employee attending a conference, meeting or training is working and is entitled to overtime compensation for any time spent in excess of 40 hours in a calendar week attending such programs provided attendance is required by the employing agency, or the employee believes that non-attendance will prejudice working conditions or employment standing.

Generally, time spent in training and meetings is not compensable provided all of the following are met:

1. Attendance is outside the employee's regular working hours.
2. Attendance is truly voluntary.
3. The employee does not perform productive work to benefit the agency while attending.
4. The training or meeting is not directly related to the employee's job.

Special Situations

If an employee, on his or her own initiative, attends school, college or training after hours, the time is not hours worked even if the courses are job related.

Time spent in attending lectures, training sessions and courses in instruction is not hours worked when an employer has established for the benefit of the employee a program that permits voluntary attendance outside normal working hours (e.g., tuition reimbursement programs).

The above compensation policy for out-of-town travel and training of overtime eligible state employees is adopted in compliance with selected regulations of the Fair Labor Standards Act, 29 CFR section 785, subpart C. Consult your labor agreement for any variations.

TRAVEL/TRAINING POLICY FOR OVERTIME EXEMPT EMPLOYEES

Overtime exempt employees are not subject to overtime provisions of the Fair Labor Standards Act. Such employees need not be paid overtime, but are generally granted compensatory time in accordance with Directive 00-06, Compensatory Time. Travel/training compensation policies for overtime exempt employees may mirror the policy established for overtime eligible employees, except that overtime exempt employees shall be granted compensatory time on an hour-for-hour basis and shall not be entitled to overtime compensation.

Agencies may also adopt an out-of-town travel/training compensation policy for overtime exempt employees that limits or restricts the accrual of compensatory time during the time spent in travel and/or training. Such employees would only receive compensatory time for

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office work, or work performed other than travel/training, which is in excess of 40 hours in a calendar week.

Lectures, Meetings and Training Programs

Overtime exempt employees are often not required to attend training, but frequently request permission to voluntarily attend lectures, seminars, meetings, training programs and similar activities. Attendance under these circumstances need not be counted as working time and such employees would not automatically accrue compensatory time for time spent attending and traveling to such programs. Even if attendance is required by the employing agency, the agency in accordance with its compensatory time policy, may determine whether time spent in travel/training can accrue compensatory time.

Thus, two employees from the same agency may be required to attend a weekend or after-hours training program. The overtime eligible employee would be entitled to overtime compensation for any time (worked) in attendance in excess of 40 hours in a calendar week. On the other hand, the overtime exempt employee's right to compensatory time would depend upon the agency compensation policy for overtime exempt employees.

FREQUENT FLIER MILES POLICY

General

The Ohio Ethics Commission issued Advisory Opinion 91-010 which prohibits the personal use of any frequent flier miles earned during travel on official state business. The purpose of this directive is establish uniform guidelines related to the accrual and use of frequent flier miles to reduce the cost of travel by state officials and employees while conducting official state business. Each department, office, board, commission or agency is encouraged to establish a policy, which governs the accrual and use of frequent flier miles for the benefit of that department, office, board, commission or agency.

Guidelines

This directive provides the general guidelines, which should be considered by a department, office, board, commission or agency when establishing a policy for the accrual of employee frequent flier miles while traveling on official state business. The personal use of frequent flier miles or other promotional benefits earned while traveling on official state business is strictly prohibited.

1. All frequent flier miles and other promotional benefits should be used for the purpose of conducting subsequent official state business by the recipient of the frequent flier miles. The recipient of frequent flier miles may redeem accrued frequent flier benefits for travel on official state business by the recipient or, when possible, for travel on official state business by another state official or employee.

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2. Reservations should be placed with a competitively priced carrier for the contemplated state travel without regard to the availability of a frequent flier program. The state official or employee may apply for and accrue frequent flier miles with that carrier if a frequent flier program is offered by the carrier and enrollment is warranted by sufficient travel or other agency policy.
3. Recipients of frequent flier miles are responsible for notifying their agency about their enrollment in a frequent flier program. Enrollment in a frequent flier program may be contingent upon sufficient travel to justify the enrollment. As a general rule, the state official or state employee should consider enrollment in a frequent flier program only if the individual expects to travel three or more times per year by means of a commercial air carrier.
4. Frequent flier benefits may not be used to upgrade travel accommodations or to upgrade hotel accommodations.
5. Each recipient of frequent flier miles is responsible for maintaining records that clearly segregate frequent flier miles earned while on official state business from frequent flier miles earned through personal travel with each respective carrier. Such records should contain sufficient detail to clearly segregate the accrual of both types of frequent flier benefits. The receipt of frequent flier miles should be reported in established intervals to the individual designated by each agency's policy on frequent flier miles, unless the agency policy authorizes the individual traveler to maintain personal records of frequent flier miles accrued and used. Each agency is responsible for the enforcement of its own policy.

Since frequent flier miles cannot generally be transferred to the state agency, all frequent flier miles which were earned while traveling on official state business should be surrendered or forfeited upon termination of employment with the state of Ohio. The frequent flier miles may be surrendered by notifying the respective carrier in writing upon the termination of employment with the state of Ohio.

This directive supersedes any previously issued directive or policy and will remain effective until canceled or superseded.

AUTHORITY & REFERENCE

29 CFR §785 Subpart C
29 CFR §785.27-41
ORC 124.18
ORC 125.02

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Frequent Flier Miles

Annual Reporting Form

January 1, _____, through December 31, _____

Carrier: _____

Account No. _____

Beginning Miles (January 1)	_____
Miles Accrued	_____
Miles Used	_____
Ending Miles (December 31)	_____

Carrier: _____

Account No. _____

Beginning Miles (January 1)	_____
Miles Accrued	_____
Miles Used	_____
Ending Miles (December 31)	_____

I certify that the above information is correct to the best of my knowledge and belief.

Signature: _____

Date: _____

Note: This report should be filed at the end of each calendar year with the agency's chief fiscal officer.