

FLSA-479

August 10, 1978

This is in reply to your letter dated July 7, 1978, requesting an opinion under the Fair Labor Standards Act on the compensability of time spent in certain traveling activities.

You state your client, a newspaper, occasionally sponsors circulation promotion campaigns, with newspaper carriers receiving prizes, sometimes consisting of an out-of-town trip. The district managers and circulation manager (or assistant) voluntarily accompany the winners on these trips. Their responsibility is to ensure that the carriers are on the bus prior to departure time. The carriers are on their own at the trip location. These employees would have similar supervision or chaperoning responsibilities on overnight trips.

With respect to the district managers, circulation managers or assistants who accompany the carriers, we will not assert that the time spent on these trips constitutes compensable hours of work under the Act, provided that employee participation in such activity is completely voluntary, their employment is not conditioned upon participation, and no contemplation of pay exists for the services rendered. However, if an employee would be required to accompany the carriers on a trip, some or all of the time so spent would be compensable hours of work.

How the principles in section 785.22, 785.39, and 785.41 of 29 CFR 785 would apply in determining a nonvolunteer employee's hours of work in this situation would depend on such variable factors as the length of the trip, when it occurs, and what exact duties and responsibilities these employees may have on the trip. It seems reasonable to assume that the relevant circumstances would vary with each individual trip.

Since your letter does not contain this information we are unable to render an opinion on how these sections would apply.

Sincerely,

Xavier M. Vela
Administrator