

FLSA-223

April 15, 1979 (est.)

This is in reply to your letter, referred by our Portland Area Office, asking if time spent by travel agency employees on invitation tours is compensable hours of work under the Fair Labor Standards Act. We regret the delay in responding.

Your state the purpose of these invitation tours is to educate and familiarize the individual travel agent with the total travel experience. You also state the four conditions of section 785.27 of 29 CFR Part 785 (copy enclosed) are met, since the trips occur outside the employees' working hours, attendance is voluntary, attendance is not directly related to their jobs and no productive work is required by the employer. Therefore you believe the time spent by employees on such tours is not compensable hours of work.

We have considered the principle discussed in section 785.39 of 29 CFR Part 785 with regard to work performed during the work day. However, since the costs of the tours are paid for by the employee and he or she is completely relieved from all duties while on an invitation tour, such travel is similar to vacation-related travel and therefore does not cut across an employee's regular working hours. Where an employee is not led to believe that continuance of employment is dependent on participating in such tours, we believe participation is in fact voluntary. Although, the activities are generally related to the travel agency employee's job, the activities are also of value to any job at any other travel agency and as such are not directly related to the employee's job. Finally, it does not appear that the employee would be performing any productive work during such tours.

Accordingly, based on our understanding of the total situation, it is our opinion that voluntary invitation tour attendance without contemplation of pay does not make such hours compensable.

With regard to your final question concerning payment for part of the time spent on an invitational tour and not paying for some other time period of the same tour, such would be managerial decision.

Sincerely,

Herbert J. Cohen
Assistant Administrator

Enclosure