

U.S. Department of Labor

Employment Standards Administration  
Wage and Hour Division  
Washington, D.C. 20210



APR 3 1995

This is in further regard to the Department of Labor's interpretation under the Fair Labor Standards Act (FLSA) of the compensability of time spent by employees voluntarily driving their employers' vehicles between home and customers' work sites each day, transporting parts, tools, equipment, etc., needed to perform their jobs. Our interpretation was set forth in an opinion letter dated August 5, 1994.

We have continued to review this matter since issuance of the August 5 opinion letter. We note that driving between work sites is a necessary component of the job which is performed throughout the day and is a principal activity of the employees. Furthermore, the employee may not leave the employer's vehicle at the site of the last service call, but must drive it to a location satisfactory to the employer for security -- the employer's establishment, a garage, or the employee's home.

We are also aware, however, that driving from home to work is an activity which is not ordinarily compensable, and that the employees in question have chosen to drive the employer's vehicle home rather than to the employer's yard for their own personal convenience and benefit.

We have, therefore, concluded that a balancing of the interests of employers and employees is appropriate. Accordingly, where the following circumstances exist, time spent traveling between the employee's home and the first work site of the day and between the last work site of the day and the employee's home need not be compensated: (1) driving the employer's vehicle between the employee's home and customers' work sites at the beginning and end of the workday is strictly voluntary and not a

condition of employment; (2) the vehicle involved is the type of vehicle that would normally be used for commuting; (3) the employee incurs no costs for driving the employer's vehicle or parking it at the employee's home or elsewhere; and (4) the work sites are within the normal commuting area of the employer's establishment.

Our opinion letter of August 5, 1994, is hereby withdrawn.

Sincerely,

Maria Echaveste  
Administrator