

NOV 20 1995

This is in response to your letter in which you request an opinion under the Fair Labor Standards Act (FLSA), concerning the compensability of time spent by employees voluntarily driving their employers' vehicles between home and customers' work sites, transporting parts, tools and equipment needed to perform their jobs.

You describe two work situations in detail and we see no need to repeat all the facts here. In one situation, employees drive their personal vehicles to one of several "operating bases" where they pick up company vans and proceed to the first work site of the day. At day's end, the route is reversed. Travel time from home to the "operating bases" and back home in the evening is not compensated. All other travel time is compensated. In the other situation, employees voluntarily drive company vans to and from their homes. In this situation, travel time from home to the first work site and from the last work site home is not compensated. All other travel time is compensated.

As these two work situations are described in your letter, your client's travel time pay practices are in compliance with the FLSA. The facts in the second situation appear to be clearly within the discussion in the Administrator's April 3, 1995, opinion letter, to which you refer in your letter.

You ask if our response would be the same if, in the second situation, employees were required to drive company vans to and from home. We think not. One of the criteria in the April 3 letter is that driving the employer's vehicle to and from home must be "strictly voluntary." Once this standard is not met, the position stated in the letter would not apply and all the travel time would be compensable. We regret any confusion on this point that may have resulted from a telephone conversation with a member of my staff who indicated otherwise.

We trust this is responsive to your inquiry. If you have any further questions on this matter, please do not hesitate to contact us again.

Sincerely,

Daniel F. Sweeney
Office of Enforcement Policy
Fair Labor Standards Team