

Compliance Alert!

When Does the Workday Start? New DOL Guidance on Travel Time and Remote Work

The U.S. Department of Labor (DOL) recently issued two opinion letters addressing when nonexempt employees must be paid for travel time. The guidance covers employees who split their workday between home and the workplace and those who perform work at home before traveling to their first work location. Massachusetts employers also need to consider state travel-time rules, which may require payment when federal law does not.

Voluntary Mid-Day Commutes

DOL concluded that an employee who voluntarily splits the workday between home and the workplace may travel between the two without being paid for the commute (Opinion Letter FLSA2026-9). For example, an employee may work from home in the morning and travel to the office after rush hour. The employee must be free from work duties while traveling.

Massachusetts Consideration

Massachusetts law may require a different result when the travel is required by the employer. An employee directed to travel from one place to another after the workday begins must be paid for the travel time and reimbursed for transportation expenses (454 CMR 27.04(4)). Whether a mid-day trip is voluntary or required is therefore important.

Work Before the First Trip of the Day

DOL concluded that simply receiving work assignments at home was not paid work under the circumstances, but calling clients and scheduling appointments was (Opinion Letter FLSA2026-10). Depending on when the calls and travel occurred, travel to the first client location could also be paid time.

Massachusetts Consideration

Massachusetts requires employees to be paid for work performed and for required travel after the workday begins (454 CMR 27.04(4)). Therefore, work performed at home before an employee leaves for the first work location may affect whether the travel time must also be paid.

What Massachusetts Employers Should Do
Employers with nonexempt employees who work remotely or travel to different work locations should:

- **Distinguish voluntary commuting from required travel.** A voluntary mid-day commute may be unpaid, while under Massachusetts law, employer-required travel after the workday begins must be paid.
- **Watch for work performed before travel.** Calls, scheduling, emails, or other work at home may affect when the paid workday begins.
- **Review timekeeping and travel policies.** Make sure employees know when remote work and travel time must be recorded.

HR@Work Perspective: Remote and flexible work can blur the line between commuting and paid work. Employers should clearly define when travel is voluntary or required and make sure employees record any work performed before or during travel.

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