

Supplemental Travel Guidance
Frequently Asked Questions (FAQ)

Is RVCDs required to reimburse travel to employees?

The answer to this question is two part: mileage reimbursement and compensable time.

- No, mileage reimbursement for the use of personal vehicles for work related travel is not required by the IRS or WV Code for private employers; however, our grants budget for mileage reimbursement thus providing the agency the opportunity to reimburse staff for the mileage they travel while fulfilling their job duties.
- Yes, time spent traveling in order to fulfill a job requirement during the workday is compensable time and must be paid, but the daily commute is not compensable time. Per Department of Labor and the Fair Labor Standards Act, time spent traveling to begin the principal work activity is not compensable. Time traveling back home after work activities have ceased is not compensable time. Please see below for more information.

<https://www.dol.gov/sites/dolgov/files/WHd/legacy/files/FairLaborStandAct.pdf>

(a) Activities not compensable

Except as provided in subsection (b) of this section, no employer shall be subject to any liability or punishment under the Fair Labor Standards Act of 1938, as amended [29 U.S.C.A. § 201 et seq.], the Walsh-Healey Act [41 U.S.C.A. § 35 et seq.], or the Bacon-Davis Act [40 U.S.C.A. § 276a et seq.], on account of the failure of such employer to pay an employee minimum wages, or to pay an employee overtime compensation, for or on account of any of the following activities of such employee engaged in on or after May 14, 1947—

(1) walking, riding, or traveling to and from the actual place of performance of the principal activity or activities which such employee is employed to perform, and

(2) activities which are preliminary to or postliminary to said principal activity or activities,

which occur either prior to the time on any particular workday at which such employee commences, or subsequent to the time on any particular workday at which he ceases, such principal activity or activities. For purposes of this subsection, the use of an employer's vehicle for travel by an employee and activities performed by an employee which are incidental to the use of such vehicle for commuting shall not be considered part of the employee's principal activities if the use of such a vehicle for travel is within the normal commuting area for the employer's business or establishment and the use of the employer's vehicle is subject to an agreement on the part of the employer and the employee or representative of such employee.

Do I have to carpool?

- “Carpooling” is not directly addressed in the travel procedure. The procedure does, however, state that travelers are expected to use the “most direct, safe, and cost-effective mode of transportation”. (page 2 of the procedure). While the most literal interpretation of cost-effective mode of transportation involves looking at distance when planning a trip

that has various route options, it also applies to carpooling. Employees are expected to carpool to the greatest extent possible, as determined by the Program Director, especially when traveling to the same location.

The procedure also states, “If a traveler chooses to use a mode of transportation that is more expensive than the most cost-effective mode, RVCDS may choose to only pay or reimburse the cost of the most cost-effective mode of the trip.”

- Outside of a work-related reason – ie someone is stopping to do some type of work-related visit along the way, someone coming from a completely different part of the state and carpooling isn’t being logical, etc. – the procedure wording referenced above supports denying travel reimbursement for employee who is offered the opportunity to carpool and chooses not to do so.
- Carpooling for employees who have assigned remote home offices works a little different. Employees who leave their assigned remote home office to meet to carpool can claim mileage (and also work time) when they leave home because their home office is the assigned work location.

How many employees are required to ride in a vehicle to be considered “carpooling”?

- Two or more

I know our program has ample funding for travel reimbursement. Do I still have to carpool?

- We are responsible for being good stewards of grant funds awarded to us. Even if a program has funds available to reimburse multiple people to drive to the same event, if carpooling is a logical option, that is the most cost-effective mode of transportation, and it is our responsibility to enforce and follow agency policies/procedures – as well as be good fiscal stewards.

Who gets to claim mileage when we are meeting at an agreed upon carpool location?

- If individuals are meeting at an agreed-upon carpool location, those who are meeting to be “riders” to the temporary work location consider the drive to the carpool location as the commute to work and it is not reimbursable and not considered work time. The “transporter” of the drivers clocks in when they leave their home and the entirety of the trip (from home to carpool location to temporary work location back to carpool location and back to home) is considered reimbursable.

Are there certain positions that are/should be designated “drivers” when there is a need to carpool?

- No. The agency expectation is that this is a **shared** responsibility and employees who are participating in the carpool can work through a method allowing all individuals who want to be the “transporter” the opportunity to do so as fair as possible.

What if I have to work on the weekend? Am I eligible for mileage reimbursement since a typical workweek is only 5 days?

- The travel policy/procedure does not make any differentiation between eligibility for travel reimbursement for a specific number of days. The focus is on approved travel to and from work related activities/events. The number of days you work in a week, or the actual day of the week, doesn’t factor into whether or not you are eligible for travel reimbursement. Additionally, carpooling guidance mentioned above still applies to individuals working on the weekends.
 - Example 1: If you are working an outreach event or facilitating a training on a Saturday at your assigned work location, the travel from home to your assigned work location is considered your commute and your day starts once you arrive at your assigned work location.
 - Example 2: If you are working an outreach event or facilitating a training on a Saturday at a temporary work location, the travel to that location is reimbursable and your day starts once you leave your home.
- When possible, plan site visits on office days. This allows employees to fully maximize work from home days. Additionally, please keep in mind that Work from Home Days should not negatively impact the program or agency. If a meeting is scheduled that an employee needs to attend in-person on a Work from Home Day, it is the employee's responsibility to attend the meeting. If the meeting takes place after work has commenced for the day, travel is work-time and is reimbursable. If the meeting acts as the starting point of the day (ex. An 8:00 AM staff meeting), travel to the meeting will count as the commute and will not be work time or reimbursable. Return travel to employee’s home from the meeting on work from home days, is work time and reimbursable as long as it’s not after the conclusion of the day’s work duties.

Is there ever an instance where I would claim mileage reimbursement but be “off the clock”?

- Anytime an employee is approved to claim mileage (per the travel policy/procedure), that is considered work time and the employee should be “clocked in”.

Does my “assigned worksite” change to my house on my work from home days?

- No. Your assigned worksite is your assigned RVCDS worksite location. This rarely changes. The assigned worksite does not change because an employee is utilizing WFH days. The assigned worksite for Remote Home offices is the home office location.

I requested 100% travel advance and then the conference provided lunch onsite. Now, I owe the agency money. What do I do?

- Complete the Travel Expense Report and send it through the appropriate program approvals. Your Program Director will contact payroll (and include the employee on the e-mail correspondence) to discuss the logistics of withholding the amount owed from the employees upcoming paycheck.