

DEPARTMENT OF THE ARMY  
Omaha District, Corps of Engineers  
6014 U.S. Post Office and Courthouse  
Omaha, Nebraska 68102

DR 690-1-3

MROPO-E

Regulation  
No. 690-1-3

1 August 1979

Civilian Personnel  
HOURS OF WORK DURING  
TEMPORARY DUTY STATUS

1. Purpose. This regulation defines hours of work during TDY travel periods under the provisions of Title 5 of the U. S. Code and the Fair Labor Standards Act (FLSA).
2. Applicability. The policies and procedures pertain to all civilian employees assigned to or serviced by the U. S. Army Engineer District, Omaha, hereafter referred to as the District.
3. References.
  - a. FPM Letter 550.36
  - b. FPM Supplement 990-2
  - c. FPM Letters 550-1 thru 11
  - d. JTR, Vol II
  - e. DR 690-1-703
4. Policy. The following policies are applicable:
  - a. An employee is considered to be in a travel status only for those hours actually spent traveling between his/her official duty station and the point of destination, or between two temporary points, and for usual waiting time which interrupts travel.
  - b. Whenever possible, employees will be directed to travel during the period 7:45 a.m. and 4:30 p.m., and not on their own time.

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This regulation supersedes DR 690-1-781 dated 20 Aug 69.

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c. When an employee is required to travel outside the 7:45 a.m.-4:30 p.m. period, the reason for the travel will be made a matter of record. The record will be made available to the employee upon his/her request. The reasons, however, will not be recorded on the travel orders.

d. Employees in a travel status may be required to render positive time and attendance reports. The travel itinerary, where available, will serve as the basis for compensation for travel time.

5. Conditions Under Which Travel Is Considered Hours of Work Under Title 5 of the U. S. Code. When an employee is required to travel away from his/her official duty station outside regularly scheduled work hours, it is hours of work for pay purposes when the:

a. Travel is within the employee's regularly scheduled administrative work week, including regular overtime work; or

b. Travel involves the performance of actual work while traveling. The term work means that which can only be performed while traveling (such as monitoring communications or signal devices used in air or rail travel, guard escorting a prisoner, courier carrying classified documents, or a chauffeur directed to operate a vehicle on TDY during off-duty hours).

c. When the district directs an employee while traveling to perform work that would ordinarily be performed at the employee's place of business, pay will be limited to time actually spent working. The district is required, however, to approve the work prior to the employee going on a TDY status; or

d. Travel involves the performance of work while traveling away from the official duty station. The work performed can only be performed while traveling. An example is, where an employee, such as a truck driver, "deadheading" to a point of pick up of a truck to be driven to another destination; or

e. Travel is carried out under such arduous and unusual conditions that the travel is inseparable from work. Examples include travel over unusually adverse terrain, during severe weather conditions, or to remote, barely accessible facilities by foot, horseback or a truck. The time of travel, day or night, or distance traveled is not ordinarily considered in determining whether the travel was performed under arduous conditions.

f. Travel results from an event which cannot be scheduled or controlled administratively by the Department of the Army. The following are examples of events which come under the principle and are considered hours of work:

(1) Travel which results from unforeseen circumstances such as an employee traveling to an isolated installation to make emergency repairs.

(2) Travel to an event which is scheduled or controlled by an individual or some organization outside of Government.

(3) Travel when emergencies occur, or when events cannot be controlled realistically by those in authority, the travel time is considered hours of work.

(4) Travel to a training event conducted by a private institution on their schedule but solely for the benefit of the Government. Since the event cannot be scheduled or controlled administratively by the Government, the required travel outside the employee's regular work hours to attend the training is hours of work. However, if the employee completes the training on Thursday and returns that night, the hours spent traveling will be hours of work only if ordered to return that night because of a happening which could not be controlled administratively. If the employee is permitted the option of returning during the 7:45 a.m.-4:30 p.m. period on Friday but returns on Thursday night, the time in travel is not payable since the employee was not officially ordered to return.

g. Travel resulting from an event under the administrative Control of the Department of the Army. Travel to a training event conducted by a private institution for the benefit or at the request of the Department of the Army or other Agencies of the Government. Under these circumstances, employees who travel outside the 7:45 a.m.-4:30 p.m. period to attend training courses are not entitled to compensation for the travel time, even if required to travel on a Sunday, late evening hours or early morning hours. Examples include OCE and OPM courses.

6. Conditions Under Which Travel is Considered Hours of Work Under the Fair Labor Standards Act (FLSA).

a. Time spent traveling away from official duty station by non-exempt employees will be considered "hours of work" when the employee:

(1) Travels during the 7:45 a.m.-4:30 p.m. period; or

(2) Performs work while traveling. An employee required to drive a vehicle, pilot an aircraft, or a boat while traveling to an officially designated work site shall have such travel time counted as hours worked. An employee required to ride on such trips to assist in the operation of the conveyance is working while riding and shall have such time spent traveling similarly counted as hours worked. Furthermore, any other employee required to perform work while traveling shall have the time spent traveling counted as hours worked.

(3) Travels as a passenger by common carrier or by automobile to a temporary duty station and returns the same day. However, normal home to work (work to home) travel and time spent waiting at a common carrier terminal in excess of normal waiting time which occur outside the 7:45 a.m.-4:30 p.m. period are not included in hours worked.

(4) Travels as a passenger on nonwork days during hours which correspond to the 7:45 a.m.-4:30 p.m. period is considered hours of work.

b. Under FLSA, time spent traveling as a passenger that occurs outside regular working hours, and outside corresponding hours on nonwork days is not considered hours of work if the travel keeps the employee away from official duty station overnight and the employee performs no work while traveling. Overnight means the employee is required to secure lodgings at the temporary duty station for one night or more.

7. Modes of Travel. The following provisions will govern in determining what portions of travel while on TDY are considered as hours worked when authorized under Title 5 or FLSA:

a. When an employee for personal reasons, travels at a time other than the time selected by the district or for personal convenience travels by an indirect route or interrupts such travel, the employee shall be credited with the lesser of (1) that portion of the actual travel time which is to be considered working time, or (2) that portion of the estimated travel time which would have been considered hours of work had the employee traveled at the time and by the route selected by the district. The difference will be covered by use of annual leave.

b. When an employee is scheduled to travel within the tour of duty but situations result in travel time outside duty hours, such as trans-

portation breakdowns or flight delays due to inclement weather, the time is not considered hours of work.

d. Time in travel status via common carrier begins with the scheduled time of departure from the common carrier terminal and ends upon arrival time at the terminal located at the point of destination. Travel via taxi, limousine, privately owned vehicles between a common carrier terminal and official station, residence, places of business, or residence at temporary duty point is not considered hours of work. An exception to this rule is when an employee must spend one hour or more in actual travel time between the common carrier terminal and place of business or residence, the time is considered hours of work. The waiting time at the terminal prior to scheduled departure cannot be counted as hours worked.

8. Travel Which Involves Two or More Time Zones. When an employee's travel crosses time zones, the time zone from point of first departure for the workday shall be used to determine whether the employee performed the travel during regular working hours (or during corresponding hours on nonwork days). For example if an employee commences travel on Monday in Washington, D.C., with a short stop-over in Denver, Colorado, and then travels to Los Angeles, California, later that same day, the eastern time zone (point of first departure for that workday) shall be used to determine whether the travel was performed during the employee's regular working hours. If the same employee later returns from Los Angeles, California, to Washington, D.C., on Saturday (a nonworkday), the Pacific time zone shall be used to determine whether the travel was performed by the employee during hours which correspond to his/her regular working hours.

  
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