

Portal to Portal Act: When an Employer Must Pay for Travel Time under the FLSA

As set forth in [29 CFR § 785.38](#) is a scenario where this applies is one in which an employee must go to one location for a specific work-related purpose (like getting the tools or instructions necessary to do a certain job) and *then* go to do the actual work at another site on the same day. In this case, travel from the designated place to the work place is part of the day's work. Therefore, it must be classified as hours worked and the employee must be paid accordingly.

One of the biggest problem areas for construction businesses is knowing whether to pay for travel time and lunch breaks, and knowing when the work day starts and stops. **Let's say employees are required to come to the office or warehouse in the morning and drive in a company vehicle to the construction site. For purposes of calculating the total hours worked by the employee, the day begins when they climb in the truck and ends when the vehicle returns at the end of the day.** If the employee does any work while at the office or warehouse before leaving or after coming back, then the work day starts and ends at that point in time.