

THE ORANGE COUNTY

REGISTER

| **MONDAY**, Nov. 20, 2006 |

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BUSINESS MONDAY

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Pay for travel time from Italy at issue

Q. I went on a work trip to Naples, Italy. I left my home two hours before my departure time. Once in Naples, every day I was required to leave my hotel at least one hour before the start of my shift. On my way back to California, I left the hotel three hours before departure.

Is there a California law that applies to company travel and compensations? I was only paid for eight hours, and I believe that I should have gotten paid for the entire time that I was traveling. Should we have been paid from the time we left our hotel until the time we returned from work?

A. "First, contact your human resources department. They should be able to clarify your employer's procedures for travel time compensation," says attorney Keith G. Bremer, partner

at law firm **Bremer Whyte Brown & O'Meara** in Newport Beach.

"Under California law, if you are a non-exempt employee, travel time during the workday must be counted as hours worked if it is related to the job.

"Travel time that occurs in addition to regular working hours is considered compensable time if it is performed pursuant to the employer's instructions.

"An employer may establish a different rate of pay for travel time, provided the rate is not below minimum wage and the employee is informed of the different rate before travel occurs.

"However, time spent taking a break from travel in order to eat a meal, sleep or engage in purely personal pursuits not in connec-

tion with traveling is not compensable. It is important to note that an employer's policy cannot override the requirements of California law.

"If you feel that the amount of travel time compensation is not reasonable or compliant with California law, or you have a question regarding exempt or non-exempt work status, you should contact an attorney."

IF YOU HAVE QUESTIONS:

Write: Work Q&A

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Letters cannot be
individually answered.