Questions and Answers on Compensatory Time Off for Travel

Q1. What is compensatory time off for travel?

A. Compensatory time off for travel is a new form of compensatory time off that may be earned by an employee for time spent in a travel status away from the employee's official duty station when such time is not otherwise compensable.

Q2. When is this provision effective?

A. This provision is effective on January 28, 2005.

Q3. Are all employees covered by this provision?

A. The new compensatory time off provision applies to an "employee" as defined in 5 U.S.C. 5541(2) who is employed in an "Executive agency" as defined in 5 U.S.C. 105, without regard to whether the employee is exempt from or covered by the overtime pay provisions of the Fair Labor Standards Act of 1938, as amended. The definition includes employees in senior-level (SL) and scientific or professional (ST) positions, but not members of the Senior Executive Service.

Q4. What qualifies as travel for the purpose of this provision?

A. To qualify for this purpose, travel must be officially authorized. In other words, travel must be for work purposes and must be approved by an authorized agency official or otherwise authorized under established agency policies.

Q5. An employee receives compensatory time off for travel only for those hours spent in a travel status. What qualifies as time in a travel status?

A. Travel status includes only the time actually spent traveling between the official duty station and a temporary duty station, or between two temporary duty stations, and the usual waiting time that precedes or interrupts such travel.

Q6. What is meant by "usual waiting time"?

A. Airline travelers generally are required to arrive at the airport at a designated pre-departure time (e.g., 1 or 2 hours before the scheduled departure, depending on whether the flight is domestic or international). Such waiting time at the airport is considered usual waiting time and is creditable time in a travel status. In addition, time spent at an intervening airport waiting for a connecting flight (e.g., 1 or 2 hours) also is creditable time in a travel status, subject to exclusions for bona fide meal periods. In all cases, determinations regarding what is creditable as "usual waiting time" are within the sole and exclusive discretion of the employing agency.

Q7. What if an employee experiences an "extended" waiting period?

A. If an employee experiences an unusually long wait prior to his or her initial departure or between actual periods of travel during which the employee is free to rest, sleep, or otherwise use the time for his or her own purposes, the extended waiting time that is outside the employee's regular working hours is not creditable time in a travel status. An extended waiting period that occurs during an employee's regular working hours is compensable as part of the employee's regularly scheduled administrative workweek.

Q8. Do meal periods count as time in a travel status?

A. For the purpose of earning compensatory time off for travel, bona fide meal periods are not considered time in a travel status. For example, if an employee spends an uninterrupted hour eating a meal at an airport restaurant while waiting for a connecting flight, that hour is not considered time in a travel status.

Q9. What happens once an employee reaches a temporary duty station?

A. Once an employee arrives at the temporary duty station, he or she is no longer considered to be in a travel status. Any time spent at a temporary duty station between arrival and departure is not creditable travel time for the purpose of earning compensatory time off.

Q10. When is it appropriate for an agency to offset creditable time in a travel status by the amount of time the employee spends in normal commuting between home and work?

A. If an employee travels directly between his or her home and a temporary duty station outside the limits of the employee's official duty station (e.g., driving to and from a 3-day conference), the agency must deduct the employee's normal home-to-work/work-to-home commuting time from the creditable travel time. The agency must also deduct an employee's normal commuting time from the creditable travel time if the employee is required—outside of regular working hours—to travel between home and a transportation terminal (e.g., an airport or train station) outside the limits of the employee's official duty station.

Q11. What if an employee travels to a transportation terminal within the limits of his or her official duty station?

A. An employee's time spent traveling outside of regular working hours to or from a transportation terminal within the limits of his or her official duty station is considered equivalent to commuting time and is not creditable time in a travel status for the purpose of earning compensatory time off.

Q12. What if an employee travels from a worksite to a transportation terminal?

A. If an employee travels between a worksite and a transportation terminal, the travel time outside regular working hours is creditable as time in a travel status, and no commuting time offset applies.

Q13. How is compensatory time off for travel earned and credited?

A. Compensatory time off for travel is earned for qualifying time in a travel status. Agencies may authorize credit in increments of one-tenth of an hour (6 minutes) or one-quarter of an hour (15 minutes). Agencies must track and manage compensatory time off for travel separately from other forms of compensatory time off.

Q14. Is there a limitation on the amount of compensatory time off for travel an employee may earn?

A. No.

Q15. How does an employee request credit for compensatory time off for travel?

A. Agencies may establish procedures for requesting credit for compensatory time off for travel. An employee must comply with his or her agency's procedures for requesting credit of compensatory time off, and the employee must file a request for such credit within the time period established by the agency.

Q16. How does an employee use accrued compensatory time off for travel?

A. An employee must request permission from his or her supervisor to schedule the use of his or her accrued compensatory time off for travel in accordance with agency policies and procedures. Compensatory time off for travel may be used when the employee is granted time off from his or her scheduled tour of duty established for leave purposes. Employees must use accrued compensatory time off for travel in increments of one-tenth of an hour (6 minutes) or one-quarter of an hour (15 minutes).

Q17. How long does an employee have to use accrued compensatory time off for travel?

A. An employee must use his or her accrued compensatory time off for travel by the end of the 26th pay period after the pay period in which it was earned or the employee must forfeit such compensatory time off, except in certain circumstances. (See Q18.)

Q18. Under what circumstances does an employee maintain credit for accrued compensatory time off for travel beyond the 26th pay period after the pay period in which it was earned?

A. Unused compensatory time off for travel will be held in abeyance for an employee who separates, or is placed in a leave without pay status, and later returns following (1)

separation or leave without pay to perform service in the uniformed services (as defined in 38 U.S.C. 4303 and 5 CFR 353.102) and a return to service through the exercise of a reemployment right or (2) separation or leave without pay due to an on-the-job injury with entitlement to injury compensation under 5 U.S.C. chapter 81. The employee must use all of the compensatory time off held in abeyance by the end of the 26th pay period following the pay period in which the employee returns to duty, or such compensatory time off will be forfeited.

Q19. May unused compensatory time off for travel be restored if an employee does not use it by the end of the 26th pay period after the pay period in which it was earned?

A. Except in certain circumstances (see Q18), any compensatory time off for travel not used by the end of the 26th pay period after the pay period in which it was earned must be forfeited.

Q20. What happens to an employee's unused compensatory time off for travel upon separation from Federal service?

A. Except in certain circumstances (see Q18), an employee must forfeit all unused compensatory time off for travel upon separation from Federal service.

Q21. May an employee receive a lump-sum payment for accrued compensatory time off for travel upon separation from an agency?

A. No. The law prohibits payment for unused compensatory time off for travel under any circumstances.

Q22. What happens to an employee's accrued compensatory time off for travel upon transfer to another agency?

A. When an employee voluntarily transfers to another agency (including a promotion or change to lower grade action), the employee must forfeit all of his or her unused compensatory time off for travel.

Q23. What happens to an employee's accrued compensatory time off for travel when the employee moves to a position that is not covered by the regulations in 5 CFR part 550, subpart N?

A. When an employee moves to a position in an agency that is not covered by the compensatory time off for travel provisions (e.g., the United States Postal Service), the employee must forfeit all of his or her unused compensatory time off for travel. However, the gaining agency may use its own legal authority to give the employee credit for such compensatory time off.

Q24. Is compensatory time off for travel considered in applying the premium pay and aggregate pay caps?

A. No. Compensatory time off for travel may not be considered in applying the biweekly or annual premium pay limitations established under 5 U.S.C. 5547 or the aggregate limitation on pay established under 5 U.S.C. 5307.

Q25. When are criminal investigators who receive availability pay precluded from earning compensatory time off for travel?

A. Compensatory time off for travel is earned only for hours that are not otherwise compensable. The term "compensable" is defined in 5 CFR 550.1403 to include any hours of a type that are creditable under other compensation provisions, even if there are compensation caps that limit the payment of premium pay for those hours (e.g., the 25 percent cap on availability pay and the biweekly premium pay cap). For availability pay recipients, this means that hours of travel are not creditable as time in a travel status for compensatory time off purposes if the hours are (1) compensated by basic pay, (2) regularly scheduled overtime hours creditable under 5 U.S.C. 5542, or (3) "unscheduled duty hours" as described in 5 CFR 550.182(a), (c), and (d).

Q26. If an employee is required to travel on a Federal holiday (or an "in lieu of" holiday), is the employee entitled to receive compensatory time off for travel?

A. Although most employees do not receive holiday premium pay for time spent traveling on a holiday (or an "in lieu of" holiday), an employee continues to be entitled to pay for the holiday in the same manner as if the travel were not required. Thus, employees may not earn compensatory time off for travel during basic (non-overtime) holiday hours because they are entitled to their rate of basic pay for those hours. Compensatory time off for travel may be earned by an employee only for time spent in a travel status away from the employee's official duty station when such time is *not otherwise compensable*.

Q27. If an employee's regularly scheduled tour of duty is Sunday through Thursday and the employee is required to travel on a Sunday during regular working hours, is the employee entitled to earn compensatory time off for travel?

A. Compensatory time off for travel may be earned by an employee only for time spent in a travel status away from the employee's official duty station when such time is not otherwise compensable. Thus, an employee may not earn compensatory time off for traveling on a workday during regular working hours because the employee is receiving his or her rate of basic pay for those hours.

Compensatory Time Off for Travel: Examples of Creditable Travel Time

Example 1: Travel to a temporary duty station on a workday

From home to business meeting

6:00 – 7:00 a.m.	7:00 – 8:30 a.m.	8:30 – 11:30 a.m.	11:30 a.m. – 12:30 p.m.
Drive to airport	Wait at airport	Plane departs/lands	Drive to worksite
Noncreditable travel time	*Creditable travel time*	*Regular working hours*	

From business meeting to home

5:00 – 6:00 p.m.	6:00 – 7:30 p.m.	7:30 – 10:30 p.m.	10:30 – 11:30 p.m.
Drive to airport	Wait at airport	Plane departs/lands	Drive home
Creditable travel time	*Dinner*	*Creditable travel time*	*Noncreditable travel time*

On a workday, an employee is required to travel to a temporary duty station for an afternoon meeting. The employee's regular working hours are 8:00 a.m. to 4:30 p.m. In total, the employee spends 13 hours (6:00 a.m. to 12:30 p.m. and 5:00 p.m. to 11:30 p.m.) traveling to and from the worksite. However, the time between 8:00 a.m. and 12:30 p.m. is compensable as part of the employee's regular working hours. Also, an employee's time spent traveling outside of regular working hours to or from a transportation terminal (e.g., an airport or train station) within the limits of his or her official duty station is considered to be equivalent to commuting time and is not creditable travel time. (See 5 CFR 550.1404(d).) In this case, the employee spends 2 hours traveling to and from an airport within the limits of his official duty station. Finally, bona fide meal periods during actual travel or waiting time are not considered to be creditable travel time. (See 5 CFR 550.1404(b)(2).) Therefore, the 30 minutes the employee spends having dinner while waiting at the airport on the return trip home is not creditable travel time.

In this example, the employee's compensatory time off for travel entitlement is as follows:

Total travel time	13 hours
minus	
Travel time within regular working hours	4.5 hours
Travel to/from airport within limits of official duty station	2 hours
Bona fide meal period	0.5 hour
Compensatory time off for travel	**6 hours**

Example 2: Travel to a temporary duty station on a nonworkday

Travel from home to a hotel on a Sunday

5:00 – 6:00 p.m.	**6:00 – 7:30 p.m.**	**7:30 – 10:00 p.m.**	**10:00 – 10:30 p.m.**
Drive to airport	Wait at airport	Plane departs/lands	Drive to hotel
Noncreditable travel time	*Creditable travel time*		

Travel from a hotel to home on the following Saturday

6:30 – 7:00 a.m.	**7:00 – 10:30 a.m.**		**10:30 a.m. – 1:00 p.m.**	**1:00 – 2:00 p.m.**
Drive to airport	Wait at airport—2 hour delay		Plane departs/lands	Drive home
Creditable travel time	*Breakfast*	*Creditable travel time*		*Noncreditable travel time*

An employee is required to travel to a temporary duty station for a week-long conference. The employee's regular working hours are 8:00 a.m. to 4:30 p.m., Monday through Friday. Because the conference begins early Monday morning, the employee travels to a hotel at the temporary duty station the Sunday evening before the conference. The conference is scheduled to continue into the evening on Friday, so the employee returns home on Saturday morning.

In total, the employee spends 13 hours (5:00 p.m. to 10:30 p.m. on Sunday and 6:30 a.m. to 2:00 p.m. on the following Saturday) traveling to and from the conference. However, the hour the employee spends on Sunday traveling to the airport and the hour the employee spends on Saturday traveling from the airport within the limits of her official duty station is considered equivalent to commuting time and is not creditable time in a travel status. Also, the 30 minutes the employee spends having breakfast while waiting at the airport on the return home is considered a bona fide meal period and is not creditable travel time.

In this example, the employee's compensatory time off for travel entitlement is as follows:

Total travel time	13 hours
minus	
Travel to/from airport within limits of official duty station	2 hours
Bona fide meal period	0.5 hour
Compensatory time off for travel	**10.5 hours**

Example 3: Travel from a temporary duty station on a workday (with cancelled connecting flight)

From temporary duty station to intervening airport for connecting flight on a Friday.

5:30 – 6:30 a.m.	6:30 – 8:00 a.m.	8:00 – 11:00 a.m.	11:00 – 3:00 p.m.
Drive to airport	Wait at airport	Plane departs/lands	Connecting flight delayed due to severe weather. Flights are cancelled.
Creditable travel time		*Regular working hours*	

Employee checks into hotel near airport—No creditable travel time. Employee returns to airport on Saturday morning.

6:30 – 7:00 a.m.	7:00 – 8:30 a.m.	8:30 a.m. – 12:00 noon	12:00 noon – 1:00 p.m.
Drive to airport	Wait at airport	Plane departs/lands	Drive home
Creditable travel time			*Noncreditable travel time*

On a Friday (workday), an employee is required to travel from a temporary duty station to home. However, due to severe weather, the employee's connecting flight is cancelled until Saturday morning (nonworkday). On Friday, the employee's regular working hours are 8:00 a.m. to 4:30 p.m. In total, the employee spends 16 hours (5:30 a.m. to 3:00 p.m. and 6:30 a.m. to 1:00 p.m.) traveling from the worksite. However, the time between 8:00 a.m. and 3:00 p.m. is compensable as part of the employee's regular working hours. The extended waiting period from 3:00 p.m. until the employee returned to the airport on Saturday morning is not creditable travel time, since the employee was free to use the time for his or her own purposes. (See 5 CFR 550.1404(b)(3).) An employee's time spent traveling outside of regular working hours to or from a transportation terminal (e.g., an airport or train station) within the limits of his or her official duty station is considered to be equivalent to commuting time and is not creditable travel time. (See 5 CFR 550.1404(d).) In this case, the employee spent 1 hour traveling from an airport within the limits of his official duty station.

In this example, the employee's compensatory time off for travel entitlement is as follows:

Total travel time	16 hours
minus	
Travel time within regular working hours	7 hours
Travel from airport within limits of official duty station	1 hour
Compensatory time off for travel	**8 hours**

Example 4: Driving to and from a temporary duty station on a workday

Travel to and from a training session

6:00 – 8:00 a.m.		**8:00 a.m. – 4:30 p.m.**	**4:30 – 6:30 p.m.**	
Drive to training session		Training	Drive home	
Noncreditable travel time	*Creditable travel time*	*Regular working hours*	*Creditable travel time*	*Noncreditable travel time*

An employee is required to travel to a temporary duty station on a workday for a 1-day training session. The training location is a 2-hour drive from the employee's home. The employee's regular working hours are 8:00 a.m. to 4:30 p.m. In total, the employee spends 4 hours (6:00 a.m. to 8:00 a.m. and 4:30 p.m. to 6:30 p.m.) driving to and from the training session.

If an employee travels directly between home and a temporary duty station outside the limits of his or her official duty station, the time spent traveling outside regular working hours is creditable travel time. However, the agency must deduct the time the employee would have spent in normal home-to-work/work-to-home commuting. (See 5 CFR 550.1404(c).) In this case, the employee's normal daily commuting time is 2 hours (1 hour each way). Therefore, 2 hours must be deducted from the employee's creditable travel time.

In this example, the employee's compensatory time off for travel entitlement is as follows:

Total travel time	4 hours
minus	
Normal commuting time	2 hours
Compensatory time off for travel	**2 hours**

Example 5: Travel to multiple temporary duty stations on a workday

Travel from home to first presentation site

6:00 – 7:00 a.m.	7:00 – 8:30 a.m.	8:30 – 10:00 a.m.	10:00 – 10:30 a.m.	10:30 – 12:00 noon
Drive to airport	Wait at airport	Plane departs/lands	Drive to site	Presentation
Noncreditable travel time	*Creditable travel time*	*Regular working hours*		

Travel from first presentation site to second presentation site

12:00 noon to 12:30 p.m.	12:30 – 1:30 p.m.	1:30 – 2:30 p.m.	2:30 – 3:00 p.m.	3:00 – 4:30 p.m.
Drive to airport	Wait at airport	Plane departs/ lands	Drive to site	Presentation
Regular working hours				

Travel from second presentation site to home

4:30 – 5:00 p.m.	5:00 – 6:30 p.m.	6:30 – 9:30 p.m.	9:30 – 10:30 p.m.
Drive to airport	Wait at airport	Plane departs/lands	Drive home
Creditable travel time	*Dinner* / *Creditable travel time*		*Noncreditable travel time*

An employee is required to travel on a workday to two temporary duty stations to make presentations to stakeholders. The employee's regular working hours are 8:00 a.m. to 4:30 p.m. In total, the employee spends 13.5 hours traveling (6:00 a.m. to 10:30 a.m., 12:00 noon to 3:00 p.m., and 4:30 p.m. to 10:30 p.m.) between home and the two presentation sites. However, the time between 8:00 a.m. and 4:30 p.m. is compensable as the employee's regular working hours. Also, the 2 hours the employee spends traveling outside of regular working hours to and from the airport within the limits of the official duty station is not creditable travel time. Finally, the 30 minutes the employee spends having dinner while waiting at the airport on the return home is considered a bona fide meal period and is not creditable travel time.

In this example, the employee's compensatory time off for travel entitlement is as follows:

Total travel time	13.5 hours
minus	
Travel time within regular working hours	5.5 hours
Travel to/from airport within limits of official duty station	2 hours
Bona fide meal period	0.5 hour
Compensatory time off for travel	**5.5 hours**