

## QUESTIONS

1. Does your city have a cap on sick hours accumulated? If so, what is it?
2. How does your city address travel time to trainings or conferences? Do they actually pay for the travel time along with mileage? Do you give comp time? For example - If the training is 8 hours on a regular work day and drive time is 1 hour each way or 2 hours total. Does the employee get paid for 10 hours or comp time for the additional 2 hours? How about if the training is on a Saturday or Sunday? Does the employee get paid for the hours of the training and driving time?

Thanks for anyone that can help.

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## ANSWERS

### ONTARIO

1. Yes = Firefighters and Police - 1280 hrs; Non-reps and Teamsters - 960 hrs.
2. See attached BOLI explanation - you must pay the employee for driving time; passengers are only paid for travel time if it cuts through their normal work hours (even on a Sat/Sun). Per your examples - pay 10 hrs time, and would be paid Sat or Sun. We try to flex the work hours in the week of a training so overtime is limited. We pay for travel time at their normal rate of pay, unless it ends up as overtime.

### YACHATS

Our cap on sick leave is 720 hours.

Travel time is considered to be part of the day and is treated the same as if they worked. So, if it goes over 8 hours per day, 40 hours for the week, or outside of regular shift (weekend) they can select either comp or overtime. Usually, it has only been the office staff that have traveled on a weekend, and they usually take comp time.

### PORT ORFORD

1. Answer: 180 DAYS
2. I have never been paid for Saturday travel time. I've never even thought to request it, for instance after our Annual Conference on Saturday morning I assume I'm off the clock, and I can find no policy for it. As for weekend training, I find no policy on that either, so I don't know what we do.

## CENTRAL POINT & SILVERTON

- 1) No limit on sick leave accumulation
- 2) We use BOLI laws.

## SPRINGFIELD

- A. Maximum Accumulation of Sick Leave:
  - a. Maximum accumulation is 120 days (960 hours). Management and Supervisory have unlimited accrual with the exception of those management and supervisory employees who are eligible for the PERS sick leave program. The maximum sick-leave accumulation for management and supervisory employees eligible for the PERS sick leave program is 2000 hours for 56 hour per week employees and 1328 hours for 40 hour per week employees.

## ***POLICY***

It is the policy of the City of Springfield that employees, when their duties require their travel to and attendance at conferences, meetings and seminars, be reimbursed for actual expenses incurred related to the conference, meeting or seminar. Meals taken during travel will be reimbursed when the event is outside of the Springfield/Eugene area. Meals inside the Springfield/Eugene area are reimbursed when the business is being conducted at the meal or when the meal is part of a conference (business lunch). Meals taken during an un-programmed lunch break at an in-town training or meeting will not be reimbursed.

Overtime eligibility while traveling will be based on the relevant provisions of the Fair Labor Standards Act (FLSA) and State wage and hour laws. (Refer to the Policy and Procedure Guide to the Fair Labor Standards Act, Personnel Management Memo #9 and/or contact the Human Resources Department.)

(from Personnel Management Memo #9)

## NON-EXEMPT EMPLOYEES

### D. TRAINING TIME

#### 1. EMPLOYEE TRAINING

All of the following four general principles must be met for an employee's attendance of meetings, lectures and training programs not to be counted as working time:

- a. attendance must occur outside of employee's regular working hours; and
- b. attendance must in fact be voluntary (it is not voluntary if attendance is required by the employer or if the employee is led to believe that non-attendance will prejudice his or her working conditions or employment standing); and
- c. the employee must do no productive work while attending; and

- d. the program, lecture, or meeting should not be directly related to the employee's job.

Attendance at training which is not required by the City but which may incidentally improve the employee's performance or prepare the employee for advancement need not be counted as working time and compensable. This is true even though the public agency may pay all or part of the cost for such training.

E. EDUCATION

Participation in education activity outside of the employee's scheduled work hours is not compensable if the employee's participation is strictly voluntary. If the employee is preparing for a City required test, the time involved in preparatory activities is not compensable unless the City specifies the preparation activities that must be accomplished by the employee in preparation for the test.

In those instances where the State requires training or continuing education of general applicability, e.g., doctors, nurses, paramedics or building inspectors, and the training is not specifically structured to meet the particular needs of the City, the hours spent in such activity are not considered to be working time.

2. OUT OF TOWN TRAVEL

- a. One Day: All travel out of town and back during one day is normally considered work time. Exclusions from the total computation would include travel time between home and airport, train station, bus station, which is comparable to normal home to work (obviously travel time to the airport in Portland would be considered work time), and excluding any duty-free meal time.
- b. More Than One Day/Overnight Stay: Only if the travel coincides with an employee's regular work day hours is it counted. Even if the travel falls on a day that is normally a non-working day for the employee (Saturday, Sunday, holiday), only the hours of travel during an employee's regular work day hours are counted. For example, if an employee regularly works from 8:00 a.m. to 5:00 p.m., Monday through Friday, travel time on Saturday during 8:00 to 5:00 is work time, excluding duty-free meal time.

If travel occurs during hours that are outside the employee's regular work day, it need not be counted as hours worked unless employee actually performs work for the employer while traveling during his regularly unscheduled hours, e.g., an employee is required by the employer to drive an automobile (as contrasted to simply being a passenger), excluding duty-free meal time and sleep time.

If an employee is offered public transportation but requests and receives permission from the employer to drive his or her car, the employer shall count as hours worked either the time spent driving the

car or the time that would have qualified as work time if the employee had used the offered public transportation.

Note, it may be advantageous to book employees to travel overnight (i.e., outside of regular working hours) as passengers on planes, buses and railroads.

It is important to remember the distinction between out of town travel for one day and out of town travel for more than one day. Under no circumstances are you to treat the first day of out of town travel for more than one day as the same as out of town travel for one day.

GRESHAM:

1. No

2. For Non-Union Employees, the following provision applies. If you need to know the provisions for union employees, I can send you the sections from the Police, Fire and Teamsters Contracts:

4.25.070 TRAVEL TIME. This travel time policy applies to non-exempt employees as listed in Appendix A.

a) If an employee drives a vehicle outside of or during normal working hours on a scheduled day off, travel time is compensable. If an employee travels as a passenger for work purposes during normal working hours on a regularly scheduled day off, travel time is compensated as hours worked. If the passenger travel takes place outside normal working hours on a scheduled day off, travel time is not compensable.

(b) Travel from home to work and from work to home is not compensable, even if the City provides the vehicle.

(1) If an employee is scheduled to begin work at a location which is not the employee's usual work site, travel time to the assigned location will be considered home to work travel and not compensable.

(a) If an employee is scheduled to begin work at a location in another city, which is not the employee's usual work site, travel time to the assigned location is compensable. Normal home-to work travel time can be deducted from the travel time to the assigned location.

(b) If the employee is required to return to the usual work site first and then returns home, travel time from the assigned work site to the usual work site is compensated as hours worked.

(2) If an employee completes work at a location, which is not the employee's usual work site, travel time for the employee to return home will be considered home to work travel and will not be compensable.

(3) If the employee is required to return to the usual work site

first and then returns home, travel time from the assigned work site to the usual work site is compensated as hours worked.

(4) If an employee travels from home to a transportation terminal, it is considered home to work travel and is not compensable.

(5) Travel time from the employee's usual work site to a transportation terminal is compensable.

(6) If an employee is called back to work for an emergency, travel time from home to the employee's usual work site is not compensable.

(7) If an employee is called back to work for an emergency, travel time from home directly to the emergency work site is compensable.

### NEWBERG

Answer: Yes, of 1000 hrs.

Answer: Our City does not pay for travel time to training unless it is during normal hours the employee would work. I did put down 4 hours worked on the Sunday while I was at PD, which was comp. time earned. I did not include the drive time during Sunday to get there.