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When a Commute Is No Longer Just a Commute: DOL Issues New Guidance on Travel Time and Remote Work

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The U.S. Department of Labor's Wage and Hour Division issued two opinion letters in late July 2026 addressing a recurring question for employers: when does employee travel become compensable work time under the Fair Labor Standards Act (FLSA)? The opinions offer helpful guidance for employers with hybrid workforces, field-service employees, and other workers who perform duties outside a traditional office setting.

Ordinary Commuting Is Still Not Compensable

In Opinion Letter FLSA2026-9, the DOL considered a number of scenarios involving employees who voluntarily split their workdays between home and the office. The agency concluded that travel between home and the office remained a non-compensable commute, even when it occurred in the middle of the workday and employees performed work at both locations, so long as the travel is ordinary commuting time, the employee is not working while traveling, and the arrangement primarily benefits the employee.

Most significantly, the DOL stated that an "ordinary" commute does not become compensable simply because it occurs after work has begun or before it ends. According to the agency, ordinary commuting should be treated as a stand-alone category of non-compensable time, similar to bona fide meal periods and off-duty time.

For employers concerned that hybrid-work arrangements could inadvertently convert commuting time into paid work time, the opinion provides meaningful reassurance.

But Pre-Shift Work Can Change the Analysis

Opinion Letter FLSA2026-10 involved a field service engineer who received electronic service requests before the start of the workday, contacted customers to schedule appointments, coordinated with other engineers, and then traveled directly from home to customer locations.

First, the DOL drew an important distinction between merely receiving assignments and actively performing work. The agency concluded that the brief time spent receiving electronic service requests was generally not compensable because it was incidental to the employee's commute in an employer-provided vehicle.

By contrast, time spent calling customers, arranging appointments, and coordinating service coverage was compensable because those activities were integral and indispensable to the employee's principal job duties.

When the Commute Itself Becomes Paid Time

One of the most notable aspects of FLSA2026-10 may be the DOL's conclusion that a commute can become compensable when it is closely connected to substantial work activities.

According to the DOL, where an employee spends much of the hour before leaving home performing customer-scheduling duties and then immediately travels to the first job site, the trip may no longer qualify as an "ordinary" commute. Under those circumstances, the travel may be compensable because it follows substantial principal work activities and no longer qualifies as ordinary commuting.

Similarly, when the employee made customer calls that occupied much of the pre-shift travel period while driving to the first appointment, the DOL concluded that the workday began with those calls and that the remaining travel time generally became compensable. The DOL did not decide whether a less extensive amount of call time would have the same effect.

Employer Takeaways

The two opinion letters offer several practical lessons:

- Hybrid and flexible work arrangements do not automatically create compensable commuting time.
- Employers should distinguish between passive receipt of assignments and substantive work activities such as customer communications, scheduling, or coordination.
- Pre-shift work performed at home can create compensation obligations even if employees never report to a traditional office.
- Employers with technicians, service personnel, installers, and other mobile workers should carefully review dispatch, scheduling, and remote-work practices.

Bottom Line

The DOL's message is fairly straightforward: an ordinary commute remains an ordinary commute, even in today's hybrid-work environment. But once employees begin performing substantive, job-related tasks before or during that commute, employers should carefully evaluate whether the workday has already begun and whether some or all of the travel time has become compensable under the FLSA.