

## U.S. OFFICE OF PERSONNEL MANAGEMENT

## PAY &amp; LEAVE PAY ADMINISTRATION

# Fact Sheet: Compensatory Time Off for Travel

## Description

Compensatory time off for travel is 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.

## Employee Coverage

Compensatory time off for travel may be earned by 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. For example, this includes employees in senior-level (SL) and scientific or professional (ST) positions, but not members of the Senior Executive Service or Senior Foreign Service or Foreign Service officers. Effective April 27, 2008, prevailing rate (wage) employees are covered under the compensatory time off for travel provision. See [CPM 2008-04.](#))

## "Compensable"

Compensatory time off for travel may only be earned for time in a travel status when such time is not otherwise "compensable." Compensable refers to periods of time creditable as hours of work for the purpose of determining a specific pay entitlement. For example, certain travel time may be creditable as hours of work under the overtime pay provisions in 5 CFR 550.112(g) or 551.422. (See fact sheet on [hours of work for travel.](#))

## Creditable Travel

To be creditable under this provision, 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.

For the purpose of compensatory time off for travel, time in a travel status includes-

- Time spent traveling between the official duty station and a temporary duty station;
- Time spent traveling between two temporary duty stations; and
- The "usual waiting time" preceding or interrupting such travel (e.g., waiting at an airport or train station prior to departure). The employing agency has the sole and exclusive discretion to determine what is creditable as "usual waiting time." An "extended" waiting period-i.e., an unusually long wait during which the employee is free to rest, sleep, or otherwise use the time for his or her own purposes-is not considered time in a travel status.

## Commuting Time

- Travel outside of regular working hours between an employee's home and a temporary duty station or transportation terminal outside the limits of his or her official duty station is considered creditable travel time. However, the agency must deduct the employee's normal home-to-work/work-to-home commuting time from the creditable travel time.

- Travel outside of regular working hours between a worksite and a transportation terminal is creditable travel time, and no commuting time offset applies.
- Travel outside of regular working hours to or from a transportation terminal within the limits of the employee's official duty station is considered equivalent to commuting time and is not creditable travel time.

## Crediting and Use

Compensatory time off for travel is credited and used in increments of one-tenth of an hour (6 minutes) or one-quarter of an hour (15 minutes). Employees must comply with their agency's procedures for requesting credit within the time period required by the agency. Employees must also comply with their agency's policies and procedures for scheduling and using earned compensatory time off for travel.

## Forfeiture

Compensatory time off for travel is forfeited-

- If not used by the end of the 26th pay period after the pay period during which it was earned. (See Notes 1 and 2.)
- Upon voluntary transfer to another agency;
- Upon movement to a noncovered position; or
- Upon separation from the Federal Government. (See Note 1.)

Under no circumstances may an employee receive payment for unused compensatory time off for travel.

*Note 1: See exceptions for uniformed service or an on-the-job injury with entitlement to injury compensation at 5 CFR 550.1407(a)(2) and Question 24 of the Questions and Answers on Compensatory Time Off for Travel (under References below).*

*Note 2: See exception due to an exigency of the service beyond the employee's control at 5 CFR 550.1407(e) and Question 25 of the Questions and Answers on Compensatory Time Off for Travel (under References below).*

## Limitations

Compensatory time off for travel may not be considered in applying the biweekly or annual premium pay caps or the aggregate limitation on pay. There is no limitation on the amount of compensatory time off for travel an employee may earn.

## References

- 5 U.S.C. 5550b
- 5 CFR 550, subpart N
- [Questions and Answers on Compensatory Time Off for Travel](#) (see Attachment 1 to CPM 2005-03)
- [Examples of creditable travel time](#) (see Attachment 2 to CPM 2005-03)
- [Hours of Work for Travel](#)

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## U.S. OFFICE OF PERSONNEL MANAGEMENT

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### FREQUENTLY ASKED QUESTIONS PAY & LEAVE HOLIDAY PREMIUM PAY AND TRAVEL

- **Are employees entitled to holiday premium pay for the time they spend in work-related travel on a Federal holiday?**

Employees generally are **not** entitled to holiday premium pay for the time they spend in work-related travel during holiday hours of their tours of duty, unless it meets one of the travel conditions listed below. Holiday premium pay is paid only to employees who perform work on a holiday. (See 5 U.S.C. 5546(b).) The Comptroller General has ruled that the criteria in 5 U.S.C. 5542(b)(2) must be used to determine whether travel time is hours of work for holiday premium pay purposes. (These are the same criteria that are used to determine travel time as hours of work for title 5 overtime pay purposes. The criteria are also found in 5 CFR 550.112(g).) Time spent in a travel status is not hours of work for the purpose of paying premium pay, including holiday premium pay, unless it meets one of the criteria in 5 U.S.C. 5542(b)(2) (B) for crediting irregular or occasional hours of work for travel. The criteria state that time spent in a travel status away from the official duty station is not hours of employment unless the travel--

- involves the performance of work while traveling (such as employment as a truck driver);
- is incident to travel that involves the performance of work while traveling (such as "deadhead" travel performed by a truck driver to return an empty truck after unloading);
- is carried out under arduous and unusual conditions (e.g., on unpaved roads); or
- results from an event which could not be scheduled or controlled administratively by any individual or agency in the executive branch of the Government (such as training scheduled solely by a private firm or a job-related court appearance required by a court subpoena).

(See Comptroller General opinions B-82637, March 28, 1949; B-168726, January 28, 1970; and 50 Comp. Gen. 519 (1971).) Note that this guidance applies to both Fair Labor Standards Act (FLSA) exempt and nonexempt employees. The provisions on travel time as hours of work for FLSA overtime pay purposes under 5 CFR 551.422 do **not** apply to the payment of holiday premium pay. Although most employees do not receive holiday premium pay for time spent traveling on a holiday, they continue to be entitled to pay for the holiday in the same manner as if the travel were not required.

Note: Under 5 U.S.C. 5542(b)(2)(A), time spent traveling away from the official duty station is also hours of employment if the time spent is within the days and hours of an employee's regularly scheduled administrative workweek. However, this does not apply to travel time on a holiday for holiday premium pay purposes because an employee's regularly scheduled administrative workweek includes only periods of time in which an employee is regularly scheduled to work. The Comptroller General has ruled that travel time during holiday hours (whether driving or riding) is not work time and, therefore, does not fall within an employee's regularly scheduled administrative workweek. (See Comptroller General opinion B-160094, October 12, 1966, and the definition of "regularly scheduled administrative workweek" in 5 CFR 610.102.)

#### [Questions and Answers on Compensatory Time Off for Travel](#)

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