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Employee Not Entitled to Compensation for Time Spent Commuting to and from Job Sites and Home in Company Vehicle While Carrying Company Tools

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In a recent decision, the Connecticut Supreme Court found that a plumbing foreman was not entitled to compensation for the time he spent commuting to and from job sites and his home at the beginning and end of his workday, even though he used a company vehicle and carried his employer's tools to and from the sites. In its ruling, the court rejected the Connecticut Department of Labor's four-part test for determining the compensability of travel time and instead applied the federal test, which is more favorable to employers.

In [Sarrazin v. Coastal, Inc.](#), the plaintiff, Brian Sarrazin, brought suit against his former employer claiming that he was due overtime wages for the time he spent traveling between his home and job sites. The issue before the Connecticut Supreme Court was under what circumstances an employee is entitled to compensation for travel time between home and work. The court found that as long as the commute in a company vehicle is within the normal commuting area for the employer's business or establishment and the use of the employer's vehicle is subject to an agreement between the employee and the employer, the travel time is not compensable. The court further noted that courts have found an agreement regarding the use of a company vehicle to exist even if the employer and employee have an oral understanding rather than a written agreement.

In finding that Sarrazin was not entitled to compensation for this travel time, the court held that the Portal-to-Portal Act provisions of the Fair Labor Standards Act (FLSA) preempted the Connecticut Department of Labor's regulations concerning travel time. Under the relevant federal standard, Sarrazin had not shown that driving the vehicle and carrying the tools imposed on him more than a minimal burden. A court might find that an employee is bearing more than a minimal burden if the employee is inconvenienced during his or her commuting time and has to spend it primarily performing the functions of his or her job, rather than engaging in activities for the employee's own benefit, e.g., listening to music or making personal phone calls.

The court declined to apply the four-part test advanced by the Connecticut Department of Labor, pursuant to which travel time is compensable unless an employer can establish all four of the following points: (1) the vehicle in question is one that would normally be used for commuting; (2) the employee incurs no cost for driving or parking the employer's vehicle at his or her home; (3) the work sites are within

the normal commuting distance from the employer's establishment; and (4) the employee takes the company vehicle home voluntarily.

Employers in Connecticut whose employees take home company vehicles and drive them to work should ensure that their employees do not have more than a "minimal burden" when commuting to work or job sites. If an employee is commuting to a job site, the employer should make sure that the employee's first site is within a reasonable commuting distance, preferably equidistant to the employee's commute to the employer's business. Employers should also ensure that they have an "understanding" with the employee, preferably in writing or in a policy statement, concerning the employee's use of a company vehicle.

Additional Information

If you have any questions regarding this case or its impact on your workplace, please contact the authors, the Ogletree Deakins attorney with whom you normally work, or the Client Services Department at clientservices@ogletreedeakins.com.