

# FP WEEKLY CHECKLIST: DO YOU NEED A POLICY ON WORKCATIONS, BLEISURE TRAVEL, AND HUSH TRIPS?

Insights  
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Each week, FP Weekly members receive a practical and cutting-edge checklist of issues to consider, action steps to take, and goals to accomplish to ensure you remain on the top of your game when it comes to workplace relations and employment law compliance. This week we provide you a checklist of items to consider when creating a policy on whether – and in what ways – your employees can combine business and leisure travel. If you have employees who work remotely or travel for business, they’ve likely considered taking their laptop to the beach or maybe even abroad. Perhaps they’ve already done so without telling you. Thus, now is the time to weigh the pros and cons of allowing employees to combine work and play and consider creating a clear policy on what type of travel is permissible on company time.

## Understanding the New Travel Trends

Anyone who has recently booked a plane ticket or hotel room knows that the demand for and cost of travel skyrocketed after many COVID-19 restrictions were lifted. Combine this with the rise in remote work and you have the perfect motivation for employees to merge their business and leisure trips – which is sometimes referred to as “bleisure” travel.

Perhaps your employees are tacking on a few vacation days at the end of a work conference in Orlando. Maybe they’re working remotely for a week from Puerto Rico and learning to surf in their off time. But what if they’re secretly sampling the “digital nomad” life in Portugal while you think they’re

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working from home in Denver? You should recognize these popular travel trends and understand that some of your employees may be looking to combine business and leisure travel – or might even be doing so already without telling you. Although these terms might mean different things to different people, here are their general definitions:

- **Bleisure travel.** The portmanteau may be new, but the concept has been around for a long time. This term is used when an employee takes a scheduled business trip – perhaps to visit a vendor or client or attend a meeting or conference – and either brings friends and family along for the ride or extends the trip for some personal time off. Generally, the employer covers the airfare, as well as the accommodations for the workdays, and the employee covers any added costs. How popular is bleisure travel? According to one [survey](#), 89% of respondents planned to add vacation days to a business trip in 2022.
- **Workcation.** This buzzword – which combines “work” and “vacation” – has been popping up more and more now that many employees shifted to remote or hybrid work. Rather than adding some paid time off (PTO) to a business trip, employees who take a workcation continue doing their remote jobs from an ideal location that they explore in their free time. A recent [poll](#) revealed that 74% of U.S. remote workers said they would consider taking a workcation.
- **Hush trip.** Here’s where the waters get a bit murky. A “hush trip” is just like a workcation – except the employee doesn’t tell their employer that they’re traveling at all. The worker might be trying out the digital nomad life for a week or two abroad or escaping a cold winter at home for some sunshine – but generally it’s temporary and an employee who takes a hush trip isn’t necessarily traveling abroad full time. Forbes travel writer Becky Pokora [expects](#) hush trips to be a hot trend for 2023.

## Weighing the Pros and Cons

Now that you know more about these developments and their popularity, you may be motivated to update your workplace travel policies. You should start by considering your message and how such travel options may or may not fit into your company culture.



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## Service Focus

Counseling and Advice

Offering a flexible policy that allows employees to combine work and vacation may prove to be an excellent recruiting tool and a way to show your employees that you value work-life balance. It could also have a positive impact on your retention efforts. Employees may be more motivated to stay with a company that extends this trust and gives them accountability to manage their work and free time. Additionally, such policies can ease the burden on employees who want to visit family that lives far away.

On the flipside, if employees are trying to work from a vacation destination, you may worry about their wifi connection, the functionality of their workstation, and their ability to concentrate when they might just want to explore their surroundings or have a margarita by the pool. Even if they are attending a conference or business meeting, you may be concerned about their level of commitment if friends and family are tagging along. These potential performance problems are in addition to the legal risks discussed below.

### **Your Checklist for Identifying the Legal Risks**

You'll need to think about more than just performance management if you allow employees to mix business and leisure travel. You'll also have to work through a host of potential compliance issues. For example, have you considered the following?

\_\_\_\_\_ **Health and safety.** Whether an employee is working your main worksite, a home office, or somewhere else entirely, you still have a duty to ensure a safe and healthy work environment. Do you have a plan to handle potential injuries and illnesses? Will you limit where employees travel based on health and safety information?

\_\_\_\_\_ **Wage and hour issues.** Will you allow both exempt and nonexempt workers to combine work and vacation? If so, the lines between work and play is more complicated for nonexempt employees – and you'll have to carefully review the applicable wage and hour laws and set clear parameters for such employees.

\_\_\_\_\_ **Payroll and tax compliance.** You'll have to consider the tax implications when employees work from another state or a foreign country. While a brief business trip with a few vacation days tacked on the end might not raise any red flags, longer workcations or hush trips might create

issues that you'll have to address in your policy.

\_\_\_\_\_ **Data security.** Will your employees be working from home and train stations? Will they access public wifi? Will they be sharing accommodations with fellow travelers? You must ensure your employees know how to protect their computers, issued equipment and your confidential information from theft, cyber-attacks, and viruses.

\_\_\_\_\_ **Liability insurance.** Does your business liability insurance cover foreign travel? You'll need to review your coverage and ensure your travel policy aligns with it.

\_\_\_\_\_ **Written policies.** To ensure consistency, you'll want to develop a written travel policy and clearly communicate it with employees. You may also want employees to sign an agreement before their travel begins.

### **Additional Questions to Address in Your Policy**

\_\_\_\_\_ What type of travel will you allow? Perhaps you're allowing business travel and will allow employees to add vacation to an existing trip but you're not comfortable with a workcation. Maybe you fully support workcations. Maybe you want to encourage or sponsor a workcation. Be clear on your policy.

\_\_\_\_\_ Will you allow foreign travel or only domestic?

\_\_\_\_\_ Will you limit the time zones for travel?

\_\_\_\_\_ Will you establish clear working hours to separate work and leisure time?

\_\_\_\_\_ Will there be consequences for taking a hush trip? Will you discover an employee is working from somewhere other than a designated location?

\_\_\_\_\_ Who will cover the cost of travel? For example, will you pay for a business trip or ask employees to track and pay for their leisure time? Will employees be required to pay for airfare if their extended return date results in a high cost?

\_\_\_\_\_ Have you set clear performance expectations? How will you measure productivity? What actions will you take if employees' productivity drops?

goals?

- \_\_\_\_\_ Have you defined eligibility requirements? For example, are nonexempt employees eligible to travel? Must certain criteria be reached prior to eligibility?
  
- \_\_\_\_\_ Are your policies fair and applied consistently? Be sure to list reasons for denying a travel request and ensure you are not discriminating against employees based on a protected characteristic such as gender, race, disability, or age.
  
- \_\_\_\_\_ Do you have a process for addressing emergency travel requests?
  
- \_\_\_\_\_ Will you limit the amount of time employees can spend on business travel or workcations?

## Conclusion

Workcations, business travel, and hush trips are gaining popularity as employees adjust to new workplace norms and remote work arrangements. Whether or not you allow, support, or encourage such travel, it's a good idea to set clear expectations for employees and work through the potential issues with experienced legal counsel.

We will continue to monitor developments in this area and provide updates as warranted, so make sure you are subscribed to [Fisher Phillips' Insight System](#) to get the most up-to-date information. For further information, contact the authors of this Insight or your Fisher Phillips attorney.