

On-Call and Emergency Callback Pay

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Policy

It is the policy of the State of North Carolina to provide additional compensation to designated FLSA non-exempt employees who are **required** to serve in on-call status and/or who are called back to work. (For FLSA exempt employees, see the paragraph entitled FLSA Exempt Employees at the end of this policy.)

Management should carefully weigh the costs and benefits of alternatives before authorizing on-call or emergency callback pay. Reasonableness and fairness shall be exercised in administering this policy.

Definitions

On-Call - is when an employee must remain available to be called back to work on short notice if the need arises.

Note: Leave time and on-call time cannot overlap. (This does not include holidays.) Example: During a 24-hour period, an employee may be on vacation for 8-hours and be on-call for no more than 16 hours in that day.

Emergency Callback - is when an employee has left the work site and is requested to respond on short notice to an emergency work situation to:

- avoid significant service disruption,
- avoid placing employees or the public in unsafe situations, or
- protect and/or provide emergency services to property or equipment
- respond to emergencies with students, clients, inmates, patients, or residents

Emergency callback may involve either:

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- going back to work or
 - responding via telephone/ computer.
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Designation of Classes/Positions

Based on sound business need, management at the agency shall:

- select job classes and/or individual positions that are subject to on-call and/or emergency callback, and
- submit such lists to the agency human resource director for approval.

The HR Director shall submit a list of the classes eligible for on-call, along with the rates paid, to the Office of State Human Resources. When a class is added or when a rate changes, a complete new list shall be submitted with the additions/changes specified.

Advisory Note: Positions designated to receive on-call/emergency callback compensation on the effective date of this policy may be grandfathered and shall continue to be eligible for on-call and/or emergency callback at the same rate of compensation until specifically eliminated by the agency.

Notification to Employees

Employees shall be notified in advance of being subject to on-call and emergency callback.

Rate of On-Call Compensation

On-call compensation may be in the form of pay or compensatory time. The rate of each shall be determined by the Office of State Human Resources based on survey data of prevailing practices in the applicable labor market.

The Office of State Human Resources shall report any on-call rate changes for the occupational groups or any exceptions to the Human Resources Commission.

Advisory Note: The current rate of \$0.94 or other previously approved rates that are in effect will remain in effect or the agency may elect to change the rates based on the following:

On-Call and Emergency Callback Pay (continued)

On-Call Rate	Occupations
Up to \$3.00 per hour (or 1 hour of compensatory time for every 8-hour shift)	Medical/Health Care Information Technology Skilled Trades
Up to \$2.00 per hour (or 1 hour of compensatory time for every 8-hour shift)	Accounting Finance Clerical Office Services Legal and Administrative Management Information and Education Human Services Licensing and Inspection – Public Safety Institutional Services Engineering and Architectural Agricultural and Conservation

Use of On-Call Compensatory Time for FLSA Non-Exempt

If compensatory time is used, it may be accumulated up to a maximum of 240 hours and shall be taken within twelve months from the date earned. If compensatory time off is not given by the end of the twelve-month period, it shall be paid in the employee's next regular paycheck. The on-call pay shall be at the on-call rate applicable to that position.

Overtime Pay for FLSA Non-Exempt

If an FLSA non-exempt employee works overtime while receiving on-call, the on-call pay must be included in calculating the employee's regular hourly rate for overtime pay. The time in on-call status is not included for determining overtime hours unless the employee is called back to work.

Emergency Callback Compensation

Emergency Callback – FLSA Non-Exempt

- (1) Employees returning to work shall receive a minimum of two hours compensation as time off or additional pay at the straight-time rate of pay for each occasion of callback. The Office of State Human Resources may approve a higher rate of compensation if justified by labor market data.

On-Call and Emergency Callback Pay (continued)

Employees responding via telephone/computer shall receive a minimum of 30 minutes as time off or additional pay at the straight-time rate for each occasion of callback. If more than one callback occurs within a given shift, total callback time cannot exceed two hours unless the work time exceeds two hours.

- (3) If the time on callback is more than the two hours allowed, the employee shall be compensated for the actual time on callback
- (4) Management shall determine a reasonable time for which preparation and travel to the worksite shall be compensated.
- (5) Shift pay, holiday pay and overtime pay shall be received in addition to emergency callback pay, if applicable. Time on callback is subtracted from the on-call hours.
- (6) Employees whose work continues following the end of the regularly scheduled hours of work are not eligible for the callback.
- (7) Time actually worked and travel to the worksite shall be included in hours worked for determining overtime hours.
- (8) Emergency callback pay must be included in calculating the employee's regular hourly rate for overtime pay.

See examples on the following pages.

Emergency Callback - FLSA Exempt:

Exempt employees normally do not receive additional compensation for emergency callback or on-call. However, an agency that utilizes a Compensatory Time Policy for exempt employees may use it to provide time off.

If the agency head determines that specific working or market conditions justify, they may work with the Office of State Human Resources to determine if an FLSA exempt position is eligible for on-call and/or emergency callback pay and the appropriate compensation, based on documented survey data of prevailing practice in the applicable labor market.

On-Call and Emergency Callback Pay (continued)

Separation or Transfer

For FLSA non-exempt employees, if on-call or callback time has not been taken off as compensatory leave, it shall be paid to employees upon separation or transfer to another agency. The on-call pay shall be at the on-call rate applicable to that position.

On-Call and Emergency Callback Pay (continued)

EXAMPLES:

Employee's hourly rate = \$13.00

On-call rate approved by OSHR = \$2.00

Example No. 1 – All emergency call-back occurred during on-call hours

On-call hours-----8 (Sunday – 8:00 a.m. – 4:00 p.m.)

Hours emergency callback-----4 (Called back at 10:00 a.m.)

Hours on-call to be paid-----4 (On-call minus 4 hrs callback)

\$13 x 44 (40 worked + 4 hours callback) = \$572.00

\$2 x 4 hours (on-call) = \$ 8.00

\$580.00/44 = \$ 13.18
(Overtime rate)

\$13.18 x 4 (OT for callback) x .5 = \$ 26.36 (plus longevity if applicable)
Total Wages Earned \$606.36

Example No. 2 – Part of emergency call back occurred during on-call hours

On-call hours-----8 (Sunday - 8:00 a.m. – 4:00 p.m.)

Hours on emergency callback-----4 (Called back at 3:00 p.m.)

Hours to be paid on-call-----7 (8 hrs minus 1 hr callback)

\$13 x 44 (40 hrs worked + 4 hrs callback) = \$572.00

\$2 x 7 hours (on-call) = \$ 14.00

\$586.00/44 = \$ 13.32
(Overtime rate)

\$13.32 x 4 (OT for callback) x .5 = \$ 26.64 (plus longevity if applicable)
Total Wages Earned \$612.64

On-Call and Emergency Callback Pay (continued)

Example No. 3 – Less than 2 hours emergency callback

On-call hours-----8 (Sunday - 8:00 a.m. – 4:00 p.m.)
 Hours on emergency callback--2 (Called back at 1:00 p.m.; worked
 1 hour and 30 min.)
 Hours to be paid on-call-----6 (8 hours minus 2 hours minimum callback)

\$13 x 42 (40 hrs worked + 2 hours callback) = \$546.00
 \$2 x 6 hours (on-call) = \$ 12.00
\$558.00/42 = \$ 13.29
(Overtime rate)

 \$13.29 x 1.5 (OT for callback) x .5 = \$ 9.97 (plus longevity if applicable)

Total Wages Earned \$567.97

Example No. 4 – Includes Shift Pay

On-call hours-----8 (Sunday - 3:00 p.m. –11 :00 p.m.)
 Hours on emergency callback---4 (Called back at 5:00 p.m.)
 Hours to be paid on-call-----4 (8 hours minus 4 hours callback)

\$13 x 44 (40 hrs worked + 4 hours callback) = \$572.00
 \$2 x 4 hours (on-call) = \$ 8.00
 Shift (\$13 x 8 x 10%) = \$ 10.40
\$590.40/44 = \$ 13.42
(Overtime rate)

 \$13.42 x 4 (OT for callback) x .5 = \$ 26.84 (plus longevity if applicable)

Total Wages Earned \$617.24

