



# Alamance County

## On Call and Call Back Compensation

Effective Date: August 1, 2023

### **Purpose:**

Alamance County recognizes that it may be necessary for some departments to require employees to be on-call due to the nature of the 24-hour-a-day/7-days-a-week operation. It is the County's general policy that on-call assignments should be kept to a minimum.

### **Definitions:**

**On-Call:** Non-exempt employees who are required by their supervisor to carry a pager or cell phone and to be able to be reached immediately outside of normal working hours and is expected to respond or report to work within a specified period of time are considered on-call.

On-call duty is necessary to address after-hours situations, emergencies or as the workload of the department requires. On-call duty is normally scheduled in advance in order for employees to be prepared for this status and generally rotates between many employees within the department.

**Call Back:** A call back is when a non-exempt employee is notified to return to work in the case of an emergency or as a workload requires. Non-exempt employees that are activated into call back status will receive call back pay as described below.

### **Policy & Process:**

Fair Labor Standards Act designates that exempt employees are not eligible for On-Call or Call Back pay. This section applies to FLSA non-exempt employees only.

Some FLSA non-exempt employees are periodically required to be in a formal "On-Call" status during which the time they are expected to be available for contact by telephone and to be able to report to work, in a County vehicle, if needed.

The following rules apply in these cases:

1. **On-Call status** is not considered work time and, thus, is not compensable. However, in recognition of the potential inconvenience, employees in this status will receive additional compensation at a rate of one-hour weekday 24-hour period and two hours per each Saturday, Sunday or a Holiday 24-hour period spent in an on-call status.

2. **Call Back status:** Any time spent in actually responding to a call to return to duty (including commuting time) is work time and will be recorded as additional time worked. This may result in an overtime obligation under FLSA. Time will be compensated as compensatory time within Kronos/UKG. Non-exempt employees will be guaranteed a minimum payment of two hours of wages for being called back to work outside of normal working hours. "Call-Back" pay does not apply when overtime work is scheduled in advance. No additional compensation except as described in this policy is authorized for "On Call" situations.

In situations where an employee is required to remain at home, or within a prescribed distance from the work site, to wait to be called for a possible return to work, the employee is classified as "engaged to wait or "stand-by" under the FLSA. In these situations, the employee is compensated for normal hours worked and does not meet the definition of On Call per this policy.

3. **Work Time during a Declared State of Emergency:** In the event of a declared County State of Emergency event, employees performing emergency service activities will be considered in Call Back status. During this time, nonexempt employees who are performing emergency service activities or response/recovery activities during the declared state of emergency will receive compensation for all additional hours worked either through pay or compensatory time off depending on budgetary constraints. In the event funds are not available, up to 240 hours for non-public safety positions and up to 480 hours for public safety positions, annually of compensatory time will be given in lieu of overtime pay. Exempt employees who are performing emergency service activities during the declared state of emergency, and work more than 50 hours in a workweek, will be compensated at straight time for all hours worked in excess of 50 hours through compensatory time off.

Department directors are expected to communicate the County's and the department's expectations regarding on-call requirements. Failure to respond to calls for emergency service, either routine or of a special nature, may result in disciplinary action up to and including separation.

Employees cannot sign up and work a non-County sponsored event and be the departmental "on-call" representative on the same 24-hour work period.

**Timekeeping Procedure:**

- FLSA non-exempt employees will complete a timecard outlining any time spent On Call as well as any Call Backs. If the employee is not sure how to record the time, the employee should consult their supervisor.