

# **SH 120 Fair Labor Standards Act:**

## **SH 120.2 On-call Duty for Non-Exempt Employees**

*Adopted: 6/09; Revised: 04/12, 05/24, 11/24*

### **Procedures**

On-call duty procedures cover the assignment of on-call duty, consequences on overtime procedures, and the freedoms and restrictions placed upon employees assigned to such duty.

1. On-call duty requires assigned employees to be available while “waiting to be engaged” to return to work by contact via a mobile device.
2. Any assigned employee, when determined to be qualified by their manager, can be assigned to on-call duty on a schedule to be determined by the manager.
3. On-call pay can be claimed only when the employee is available to work. Employees cannot be on-call if they are on paid leave on the day of their on-call shift, or if they become ill immediately prior to their on-call shift. If an employee becomes unavailable while on-call, they must immediately notify their manager.
4. On-call duty time is not counted as working hours. On-call pay is an additional benefit for employees and not compensation for hours worked. As such, on-call duty time is not considered hours worked or overtime hours, and on-call duty pay will not be included in the regular rate of pay for purposes of calculating overtime. See 29 C.F.R. § 778.320. Time worked resulting from being called out to work will be compensated as work time and subject to the Fair Labor Standards Act policy.
5. An employee cannot be compensated for on-call duty and time worked simultaneously.
6. Certain freedoms and limitations apply while on on-call.
  - a. The employee is allowed to attend to personal business and interests.
  - b. The employee is not required to stay at home or at a library-designated location.
  - c. The employee is free to wear clothing of his or her choice and is not required to change into the library-provided uniform to respond to the worksite. The clothing being worn at the worksite must provide a degree of personal protection to comply with the Library’s Safety policy.
  - d. The employee will be required to wear, carry, or have within close proximity a mobile device and respond within thirty (30) minutes.
  - e. The employee is free to travel but must be able to be at the location required within 60 minutes of returning the call.
  - f. The employee is free to trade the on-call shift for the scheduled time with other employees in the Facilities Maintenance Department who are equally qualified to perform the on-call responsibilities, but only with the prior approval of their manager.

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- g. The employee may not be under the influence of alcohol or illegal drugs while on call. They may consume over-the-counter or prescription medications to the extent that they can safely perform the duties as required.

7. On-call shifts are as follows:

Mon	Tues	Wed	Thurs	Fri	Sat	Sun
4:30pm- 9:30pm	4:30pm- 9:30pm	4:30pm- 9:30pm	4:30pm- 9:30pm	4:30pm- 6:30pm	8:30am- 5:30pm	12:30pm- 6:30pm

8. An employee will be on the clock from the time they return the call until the work is completed. This will be considered work time and recorded as such on the time clock at the location by the employee.
9. The Assistant Director of Facilities must establish regulations to implement these procedures, provide a copy to each employee accepting on-call duty, and post a copy in the maintenance department.
10. It is expected that employees should average two or less calls per week. If an employee receives three or more calls while on-call during one work week, please inform the Human Resources Department.