



## **POLICY & PROCEDURE DOCUMENT**

NUMBER: 4.4200

DIVISION: Finance and Administration

TITLE: On-Call Status and Call Back Pay

DATE: February 1, 1999

REVISED: March 15, 2016

Policy for: All Non-Faculty Employees

Authorized by: Director, Human Resources

### **I. Purpose and Scope**

At certain times, employees may be required to remain in an on-call status to ensure efficient operations of a given department/unit. This policy defines how compensation is awarded when in an on-call status.

### **II. Definitions**

Exempt employees: employees exempt from the Fair Labor Standards Act (FLSA) according to the US Department of Labor.

Non-exempt employees: employees subject to the FLSA and generally contained within occupational skill Groups 40, 50, 60, and 70.

Call: a notification of an event or emergency requiring immediate response by an employee. The notification may be by telephone or electronic means. A call may originate from a human or an automated system.

On-call: a period when an employee must be available to receive and respond to an on-call contact.

Call-back or "called back": when an employee has left the work site and is requested to respond to an on-call contact by physically returning to the university premises.

Remote-response or "remotely respond": when an employee is requested to respond to an on-call contact and does so by phone, computer, or other electronic means without returning to university premises.

### **III. Policy**

Supervisors may require certain skilled employees supporting critical systems or infrastructure to serve in an on-call capacity. Employees will be notified of their on-call status by their supervisors.

When in an on-call status, an employee may or may not be required to remain on the university premises. An on-call employee who cannot use time freely for his/her own purposes shall be considered as working and shall be paid accordingly as directed under this policy.

Specific departments/units may require on-call employees to provide contact information, to carry cell phones or other electronic devices, to respond to calls within a specified time frame, and/or to come on-site within a specified time frame. On-call employees who are merely subject to such requirements but who are not actively responding to a call shall not be considered as engaged in work. Employees are to maintain familiarity with the on-call requirements of their specific departments/units.

The supervisor of an on-call employee may, at his/her discretion, provide tools to the employee in support of on-call activities. These tools may include but are not limited to cellular phones and/or cellular allowances, communication devices and/or service, laptop computers, etc.

### **IV. Procedure**

1. Non-exempt employees who are called back to work from an on-call status or otherwise at a time not previously scheduled shall receive a minimum of four (4) hours call-back pay even if the time actually spent on the job is less than four (4) hours.
2. Non-exempt employees who remotely respond to calls from an on-call status or otherwise at a time not previously scheduled shall receive a minimum of two (2) hours of remote-response pay even if the time actually spent on the job is less than two (2) hours. Employees may not accrue more than two (2) call-ins per four (4) hour period. If a problem cannot be addressed remotely and the employee is ultimately required to return on-site, the event will be considered as one (1) call-in and paid at the full four (4) hour minimum. If hours "actually worked" exceed four (4) hours, the employee must be paid the actual hours.
3. Non-exempt employees who respond to contacts or inquiries during their regular daily work hours shall receive pay for time actually worked and shall not be considered as qualifying for call-back pay. If a call/contact requires a non-exempt employee to remain at work beyond his/her regular daily work hours or to arrive early for his/her next regular work period, the employee will receive pay for time actually worked, not call-back or remote-response pay.

Exempt employees who remotely respond or who are called back to work while in an on-call status, including during time not previously scheduled for work, are not eligible to receive extra compensation for time worked. At their discretion, supervisors may approve use of existing alternative work arrangements (see policy 4.2501) such as flextime and compressed workweek to adjust employee schedules as determined appropriate. Other exceptions based on special circumstances of the applicable work performed may be authorized by the Department of Human Resources.

## **V. Related Policies**

See also: 4.2501 Alternative Work Arrangements, 4.4000 Overtime Compensation, 5.5090 Cellular Allowance Policy,

## **VI. Reason for Revision**

To incorporate changes requested by Information Technology Division.

Appendices: Fair Labor Standards Act; KY Wage and Hour Laws; University Policy