

DEPARTMENT OF HUMAN SERVICES POLICY AND PROCEDURES		
Reference: 02-06 Utah Code 67-19-6.7	Effective Date: July 31, 1997 Revision Date: January 4, 2013	Page 1 of 4
SUBJECT: ON-CALL POLICY		
<p>PURPOSE: To establish consistent Department policy and procedures on recording time and compensating employees who are required by management to be in an “on-call” status outside of their regularly scheduled work hours. This policy will ensure compliance with the Fair Labor Standards Act, Utah Code 67-19-6.7, and State of Utah Human Resource Management Rules R477-8-10 for employee reporting of “on-call” time.</p>		

POLICY

On-Call Status

Pursuant to State Human Resource Management Rules R477-8-10, employee time is considered “on-call” time only when an employee is **required by management** to be available for a call to duty. Being available means an employee is required by management to be reachable to work during a specified time frame of coverage for work beyond an employee’s regular work schedule. This requirement is to be stipulated in writing prior to being considered in “on-call” status consistent with the “on-call” procedures section of this policy. “On-call” designations shall be documented in the Utah Performance Management system on an annual basis.

On-Call Compensation Rate

Pursuant to State Human Resource Management Rules R477-8-10, an **FLSA non-exempt** employee required by management to be available for “on-call” time will be compensated at a rate of 1 hour for every 12 hours the employee is “on-call.”

An **FLSA exempt** employee may be required by management to be available for “on-call” time and may be compensated at agency discretion, not to exceed a rate of one hour for every 12 hours the employee is “on-call.” Other rates for FLSA exempt employees may be approved by the DHS Executive Director, after receiving a rule exception from the DHRM Executive Director.

Recording On-Call Time

Employees record “on-call” time as “on-call” (D8) hours on their State approved bi-weekly electronic or paper time sheet. “On-call” time recorded is paid out the following pay period. An employee shall record the hours spent in “on-call” status, and any actual hours worked on the specific date the hours were incurred, in order to be paid.

An employee may not record “on-call” hours and actual hours worked for the same period of time, as an employee cannot be ready for a “call to duty” and be “on duty” at the same time. “On-call” hours, actual hours worked, and leave hours cannot exceed 24 hours in a day.

Hours of “on-call” pay shall be calculated by subtracting the number of hours of actual work performed during the “on-call” period for each specific calendar day from the number of hours in the “on-call” period, then dividing the result by 12. An employee shall round the resulting “on-call” hours to the nearest two decimal places when recording them on the bi-weekly electronic or paper time sheet.

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Recording Actual Time Worked During the On-Call Period

Per State Human Resource Management Rules R477-8-1(5): "An employee's time worked shall be calculated in increments of 15 minutes. This rule incorporates by reference 29 CFR 785.48 for rounding practices when calculating time worked."

The same applies for work performed during the "on-call" period. Time actually worked shall be recorded as "work" hours on the State-approved bi-weekly electronic or paper time sheet. Compliance with established agency procedures on documentation (such as telephone, other work time, travel, and case logs) of actual time worked must be completed by the employee **prior** to reimbursement for hours worked during the "on-call" period.

Leave Time is Not Recorded as On-Call Time

An employee may not be in an "on-call" status while using leave or while otherwise unable to respond to a call to duty. An employee on accrued leave or on leave-without-pay on a normal work day (not a paid holiday) during the employee's normal work hours, is simply on "leave," not "on-call." If the employee responds to a call or performs work during normal work hours, it is ordinary "work" hours, not "on-call" time.

Management Designation of On-Call

Management is responsible to decide which employees are needed to work "on-call" and for how long. Working "on-call" is not an employee right or job entitlement, and management may cancel an employee "On-Call Agreement" at any time, with or without prior notification to the employee.

Conduct While On-Call

Employees are expected to fully apply themselves to their duties while on-call and when working during the on-call period. Employees shall comply with the DHS Code of Ethics policy, 02-03, and all agency policies while on-call. Employees shall not consume alcohol or use illegal substances or be under the influence of alcohol or illegal substances while on compensated work time or while treating clients or while on-call or on State property or while operating any vehicle. Employees who fail to comply with the Code of Ethics and agency policies may be subject to disciplinary action up to and including dismissal.

PROCEDURES

Procedures for On-Call

It is management's responsibility to complete the following process **prior** to placing an employee in "on-call" status:

1. Complete a signed Utah Department of Human Services On-Call Agreement between the employer/supervisor and employee, based upon management determination that there are

legitimate agency operational needs for “on-call” and stating that the "on-call" designation is not an employment right or employee job entitlement.

2. Ensure that the employee is aware of the terms of compensation for employee time while in “on-call” status.

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3. Management is to notify the employee of the specific time frames and number of hours the employee is to be made available during the “on-call” status period.
4. Determine reasonable time periods for designated “on-call” employees to respond to calls. The amount of time required by the employer for the employee to respond should take into account commute distance based upon geographic constraints. Response time allowed is listed on the On-Call Agreement form.
5. Ensure that the employee is notified when signing the form that he/she may be subject to disciplinary action for a breach of the Utah Department of Human Services On-Call Agreement.
6. On-call agreements for employees who are placed in “on-call” status must be reviewed for applicability and signed by the employer/supervisor and employee and documented in the Utah Performance Management system annually, or when the terms and conditions in the On-Call Agreement warrant change.
7. Monitor the use of “on-call” including determining the frequency of calls per employee.

Calling Employees Back to Work That Are Not In On-Call Status

Employees who are not in “on-call” status but have been called back to work by management are not eligible for nor entitled to “on-call” time compensation. To be eligible for “on-call” compensation, employees must have previously completed a Utah Department of Human Services On-Call Agreement and have been required by management to be in an "on-call" status at the time they are called back to work.

Voluntary Reachability

An employee who voluntarily agrees to be reachable is not considered in an “on-call” status. This includes an employee who is provided state issued equipment such as a cellular phone or other means of communication.

State Issued Communication Equipment

State issued equipment is provided as a means of communication between the employer and employee and does not constitute “on-call” status for the employee, or a job requirement to be “on-call” as a condition of employment.

Documentation

The following procedures shall be used by an employee to record actual time worked during an “on-call” period.

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Telephone Logs: Each job related telephone call received or initiated by the employee during the “on-call” time period is to be tracked for actual air time. The air time minutes of all telephone calls received or initiated by the employee during the “on-call” time period are to be totaled and rounded up or down to the nearest fifteen (15) minute increment and recorded as “work” hours.

Other Work Time: Any time an employee actually works during their authorized “on-call” period is to be totaled at the end of the “on-call” period and rounded up or down to the nearest fifteen (15) minute increment and recorded as “work” hours.

Travel Time: Regular commute time to the job and back home is not work time. However, travel to the job and back home by an employee in response to a call during an “on-call” period to report back to work is actual work time.



Palmer DePaulis, Executive Director
Department of Human Services

DATE: 1/4/2014

**UTAH DEPARTMENT OF HUMAN SERVICES
ON-CALL AGREEMENT**

Employee Name: _____ EIN: _____
Division/Office/Institution: _____
Supervisor Name: _____

AGREEMENT TERMS & CONDITIONS

I hereby agree to be placed in an "on-call" status with the Department of Human Services and understand that management has required that I make myself available to return to work or perform work during management specified days and time frames.

I acknowledge:

1. I have freedom of movement in personal matters and that I am not being restricted to a specified location, but have made myself available for a call to duty.
2. I will respond to a call, page, or other communication within _____ minutes. If I am required to report to a specified work site, I will do so within _____ minutes.
3. I will be compensated at my regular hourly rate for "on-call" time at a rate of 1 hour for every 12 hours that I am in an "on-call" status, minus any actual hours worked. "On-call" time is rounded to the nearest two decimal places.
4. All "on-call" time accrued is to be recorded on the specific day in which the hours were incurred on the State approved bi-weekly electronic or paper time sheet for that pay period worked.
5. Any time actually worked during the "on-call" period is recorded in 15 minute increments as "work" hours in addition to "on-call" time. Any time actually worked is to be recorded on the State approved bi-weekly electronic or paper time sheet for that pay period.
6. If management arranges for a substitute to cover my "on-call" shift for any reason, I will not be eligible for "on-call" compensation for that same shift.
7. I must complete any "on-call" paperwork or electronic documentation as required by management.
8. Any breach of this agreement, the DHS Code of Ethics, and this policy by the employee may result in disciplinary action.
9. Designation and placement of an employee "on-call" is a management decision, based on agency operational needs. It is not an employee right or job entitlement.
10. This agreement may be terminated at any time by management, with or without prior employee notification.

Employee Signature

Date

I authorize the above employee to work "On-Call" as specified in this agreement.

Supervisor Signature

Date