



## LARAMIE COUNTY GOVERNMENT

<b>TITLE</b> On-Call/Call Out Pay	<b>APPROVAL DATE</b> 2/20/2024
<b>SECTION</b> Compensation	<b>REVISION DATE</b> N/A

Certain functions performed within the County require continuous accountability and therefore necessitate employees potentially being available to respond to unforeseen events in a timely manner to prevent disruption in critical services or to prevent safety or health risks in the department. The nature of this work, may require certain positions within the County to be “on-call” and to respond, ready to perform work within a short period of time, effectively limiting the ability of these employees to leave the immediate geographical area.

### **Definitions:**

**On-call:** non-work time, during which non-exempt employees are required to be available to handle job-related activities and emergencies outside of regularly scheduled hours. Duration of shift will be determined by written department policy.

**Call out:** when a non-exempt employee is required to return to the workplace in the case of an emergency or as workload requires regardless if they are on-call or not. This does not apply to scheduled shifts.

### **Management Responsibilities**

Any department having a need for “on-call” scheduling shall develop a departmental policy addressing which positions will be subject to “on-call” scheduling and the applicable policies that will govern “on-call”. Management should carefully weigh the costs and benefits of alternatives before authorizing “on-call” scheduling and compensation. Reasonableness and fairness shall be exercised in administering this policy. Department policies shall address at least the following issues:

1. Employees shall be notified in advance of being subject to on-call and the policies.
2. Duration of on-call status, including beginning and ending, date/times.
3. Whether “on-call” duty is mandatory or voluntary.
4. How employees will be notified of his/her responsibility to report to work (e.g. cell phone, pager, etc)
5. Consequences of failing to respond to call to duty.
6. What is an acceptable response time after being called to duty.
7. Any applicable geographic restrictions while on call.
8. Ability to trade on-call shifts with other employees.
9. Definition of when reporting to duty starts for call outs.

Department policies in regard to on-call” shall not be effective or enforceable unless and until they are reviewed by Human Resources and County Attorney’s Office prior to their adoption in order to ensure FLSA compliance and consistency with other County policies and/or State of Federal law. Once approved, Finance will be notified of the department’s authorized usage of the On-call pay code. A copy of the department policy will need to be on file with Human Resources.

### **Employee Responsibilities**



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Employees who are on-call must remain capable to carry out the duties required during the period they scheduled for an on-call duty. Employees scheduled for on-call duty, shall at all times while on “on-call”, remain fit for duty and as such refrain from the consumption of any substances (including alcohol, and prescription drugs) which may impair their ability to perform their duties should they be called in to work. Employees will not be required to stay on County premises and will be able to partake in personal activities, except for activities listed above.

If an employee fails to respond or answer while on-call, the employee forfeits on-call pay for that period of time.

### **Compensation**

#### **On-Call Pay**

On-call pay will be recorded using the “On-Call” pay code. Designated employees will receive one hour for each on-call shift assigned. For assigned on-call shifts longer than 14 hours, employees will receive 2 hours of on-call pay, not to exceed 2 hours for every 24 hour period. One hour of on-call pay is equivalent to one hour of regular pay. Scheduled hours worked while on-call will not be used in the calculation to determine the hours of on-call pay allocated. On-call compensation is not counted as hours worked and therefore not included for purposes of calculating overtime hours.

Any non-exempt employee who is required to remain on County premises or so close that the time cannot effectively be used for the employee’s own purposes, such time shall be counted as hours worked at the employee’s normal rate of pay and said hours shall be included in any overtime calculation. Please contact HR to determine if a situation meets the threshold necessitating regular compensation and not on-call pay.

#### **Call Out**

Once an employee reports to duty after being called out, such hours shall be counted as hours worked and shall be compensated at their regular rate of pay unless it meets the threshold for overtime compensation applicable under FLSA.

Non-exempt employees who are able and required to return to work shall be compensated for all hours worked and hours should be recorded as regular hours paid. Employees, in this circumstance, will be compensated a minimum of two hours. Employees that provide the necessary services from home or respond without reporting to a work location will not have a guaranteed minimum of two hours. Instead, employees responding from home will be paid for the actual time they are on-duty responding to a call or trouble shooting a problem.