

POLICY/ADMINISTRATIVE PROCEDURE/ADMINISTRATIVE DIRECTIVE

SECTION: HUMAN RESOURCES	REFERENCE NUMBER: 106.06
SUBJECT: WAGE AND SALARY PLAN	INITIAL EFFECTIVE DATE: 07/01/95
TITLE: RESPONSE TIME AND ON-CALL DUTY	LAST REVISION DATE: 06/22/13

POLICY STATEMENT:

Although residency within the city limits is not a condition of employment per City policy and State law, there are certain positions that require a reasonable response time to calls outside normally scheduled work hours. This policy defines and establishes the City's pay practices and administrative procedures for response time and on-call duty. Department Directors shall establish standards, written procedures, and schedules for reasonable response times and on-call duty based on departmental operations.

DEFINITIONS:

I. ON-CALL

- A. An on-call period shall be a period of time during which an employee is not actually performing work but is scheduled to remain at, near, or able to return to work for operational requirements that may develop outside normally scheduled work hours. (Scheduled and unscheduled meetings are not considered on-call requests. Meetings are considered time worked as straight time unless the employee has worked over 40 hours in the same week, where the overtime policy would be applicable.)
- B. An on-call period shall be defined as seven (7) consecutive 24-hour days.

II. EMERGENCY CALL BACK

- A. On-call should not be confused with emergency call-back. All City of Denton employees are subject to call-back during an emergency situation; however, employees are not subject to a response time, nor will they be subject to disciplinary action if they are not able to respond.
- B. For emergency call-back, the 24-hour period shall begin at the time of travel to the work site.

III. RESPONSE TIME

- A. Response time is the length of time required for a reasonable response to an on-call request.
- B. Departmental response times may vary depending on business necessity.

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ADMINISTRATIVE PROCEDURES:

- I. Department Directors shall establish reasonable, minimum response times for their departments.
- II. Department Directors, or their designee, shall develop on-call schedules with no preferential treatment given to any employee based on departmental operations. Qualified employees are to be scheduled on a rotation basis to prevent fatigue and safety hazards from too many long hours.
- III. Employees who are scheduled on-call shall be required to provide their supervisor or his/her designee a phone number at which they will be able to be reached at any time during the on-call period. A pager or department issued radio, if available, can be used as a form of communication during the period an employee is on-call.
- IV. Employees who have a personal emergency or are sick while on-call shall notify their supervisor/manager of their inability to continue serving on-call as soon as practical, so that their on-call responsibilities can be transferred to another employee. If on-call duties are transferred to another employee, any applicable on-call compensation for the 24-hour period is forfeited and will be given to the employee covering. Additionally, accumulated sick leave or other leave accruals can not be used since the on-call hours are outside of the normal work schedule.
- V. In the event a conflict arises with the on-call schedule, an employee may be able to trade his/her on-call assignment. However, prior to trading assigned on-call duty with another employee, an employee must get approval from their supervisor/manager. On-call duty must be traded in full 24-hour increments. If an employee gives their call to another, any applicable on-call compensation for the 24-hour period is forfeited and will be given to the employee covering.
- VI. Employees who are on-call must respond while serving on-call and adhere to all City policies including the Anti-Substance Abuse and Rehabilitation Policy (#108.12). Failure to report without proper approval or any variance from City policies may result in forfeiture of on-call pay, if applicable, and in disciplinary actions, including termination.
- VII. Employees who have questions regarding on-call duty assignments or pay should contact their immediate supervisor/manager. Further questions concerning this policy can be directed to the Human Resources Department.

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COMPENSATION DURING AN ON-CALL/EMERGENCY CALL-BACK PERIOD

- I. Department heads, or designees, will determine the appropriate response time for their department/division(s). Any non-exempt employee who is scheduled on-call, whose departmental response time is defined to be thirty minutes (30) minutes or less of being called, and who will be subject to disciplinary action if he/she does not return without proper approval or does not adhere to City policies while being scheduled on-call will be compensated “on-call pay” as follows:
 - A. One-half (1/2) hour of pay at regular rate of pay for each 24-hour period required to be on-call during the employees normal scheduled work week (typically Monday – Friday but may vary for 24-hour operations).
 - B. Two (2) hours of pay at regular rate of pay for each 24-hour period required to be on-call on the employees normal scheduled days off (typically Saturday and Sunday but may vary for 24-hour operations) and on observed City holidays in which the employee is scheduled off.
 - C. The hours paid for being scheduled on-call are in addition to actual hours worked during the normal work week or actual hours worked during on-call status and will be considered “time worked” for overtime purposes.
 - D. Employees who are not scheduled to be on-call, but are subject to emergency call-back, are not eligible for the on-call compensation described above.
 - E. Police and Fire civil service employees who receive on-call assignment pay are not eligible for the on-call compensation described above.
- II. Any non-exempt employee who is called to work outside his/her normal work schedule, whether scheduled on-call or during an emergency call-back, shall be paid for any time worked during the call back period or a minimum of two (2) hours, whichever is greater, in a 24-hour period. In accordance with the Fair Labor Standards Act (FLSA), if an employee is called out, paid time will include travel time as time worked.
- III. Time worked while on-call or during an emergency call-back will be calculated at the employee's regular rate of pay; overtime compensation is applicable only for non-exempt employees when total hours worked exceeds the regular full-time work week (i.e., generally forty (40) hours per week for all City employees, except Civil Service Fire Fighters working on shift, where the exception is fifty-six (56) hours per week). See Overtime, Policy #106.04.

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EXCLUSIONS

Public Safety Dispatchers will receive on-call pay; however, due to the nature of their operations, aspects of this policy will not apply. Instead, Public Safety Dispatchers will receive on-call pay in accordance with the Police Department's SOPs.

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On-Call Pay Example:

Example 1:

A non-exempt employee normally works an eight (8) hour shift Monday – Friday. He is scheduled on-call Monday – Sunday. He is called back to work after hours on Friday for a total of 4 hours and Saturday for 1 hour. No other overtime is worked, nor did he miss work for any reason.

Mon	Tues	Wed	Thur	Fri	Sat	Sun
8 reg hours (straight time)	8 reg hours (straight time)	8 reg hours (straight time)	8 reg hours (straight time)	8 reg hours (straight time)		
1/2 hr on-call (overtime)	1/2 hr on-call (overtime)	1/2 hr on-call (overtime)	1/2 hr on-call (overtime)	1/2 hr on-call (overtime)	2 hrs on-call (overtime)	2 hrs on-call (overtime)
				4 hrs overtime	1 hour worked, but paid for a minimum of 2 hours - at overtime	
Total time for pay purposes:						
40 hours regular schedule at straight time						
12.5 hours overtime (6.5 hours on-call and 6 hours overtime at time and ½ since he worked 40 hours in the week (4 hours on Friday and a 2 hour minimum on Saturday))						

Example 2:

A non-exempt employee normally works an eight (8) hour shift Monday – Friday. He calls in sick on Thursday. He is scheduled on-call Monday – Sunday, but because he is sick on Thursday, he gives that on-call shift to another employee. He is not called in to work during the on-call period.

Mon	Tues	Wed	Thur	Fri	Sat	Sun
8 reg hours (straight time)	8 reg hours (straight time)	8 reg hours (straight time)	8 hours sick (straight time)	8 reg hours (straight time)		
1/2 hr on-call (overtime)	1/2 hr on-call (overtime)	1/2 hr on-call (overtime)	On-call time given to another employee	1/2 hr on-call (overtime)	2 hrs on-call (overtime)	2 hrs on-call (overtime)
Total time for pay purposes:						
32 hours regular schedule at straight time						
8 hours sick (which will be paid at straight time)						
6 hours overtime at straight time. This is not calculated at time and ½ because he was sick, and sick leave is not considered time worked for overtime purposes. He also gave up ½ hour of on-call pay on Thursday when he was sick (which will be paid to the employee who took his shift).						

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Emergency Call-Back Pay Example:

A non-exempt employee normally works an eight (8) hour shift Monday – Friday. A main water pipe busted late Thursday evening which left a neighborhood without water. The utility dispatcher called him and asked if he could respond to the main break. He agreed and ended up working 7 hours Thursday evening. No other overtime is worked, nor did he miss work for any reason.

Mon	Tues	Wed	Thur	Fri	Sat	Sun
8 reg hours (straight time)	8 reg hours (straight time)	8 reg hours (straight time)	8 reg hours (straight time)	8 reg hours (straight time)		
			7 hours for emergency call back			
Total time for pay purposes: 40 hours regular schedule at straight time 7 hours overtime at time and ½ since he worked 40 hours in the week (for the Thursday night emergency call back)						