

CITY OF DENTON

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: 08/18/21

POLICY STATEMENT:

Although residency within the city limits is not a condition of employment per City policy or State law, certain positions 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.

SCOPE:

This policy applies to non-exempt employees (as defined by the Fair Labor Standards Act) of the City of Denton who are required to maintain their availability after hours and be on-call to come back to work or otherwise respond to an emergency. This policy does not apply to Police and Fire civil service employees. Police and Fire civil service employees who receive on-call or call-back pay under their respective department policy or a meet and confer agreement are not eligible for the on-call or call-back compensation authorized by this policy.

DEFINITIONS:

I. ON-CALL

- A. An on-call period shall be a period of time during which a non-exempt employee is not actually performing work but is scheduled to remain at, near, or be able to return to work for operational requirements that may develop outside normally scheduled work hours.
- B. An on-call period is defined as a period of consecutive hours that an employee is scheduled to be available for on-call duties.
- C. An on-call shift is defined as the number of consecutive hours per day that an employee is required to work within an on-call period.

II. EMERGENCY CALL-BACK

- A. On-call should not be confused with emergency call-back. All City of Denton employees are

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subject to call-back during an emergency. In the case of an emergency call-back, employees are not subject to a response time, nor will they be subject to corrective action if they are not able to respond; however, an employee who is capable of responding in an emergency but chooses not to may be subject to corrective action, up to and including termination of employment.

- B. For an emergency call-back, work time for purposes of emergency call-back begins when the employee arrives at the location designated by their supervisor (*e.g.*, City premises or another worksite location) and ends when the employee leaves their designated worksite location or City premises. However, if the employee begins work earlier (*e.g.*, the employee is in contact with dispatch or having to take other action necessary in preparation of performing their on-call work activities), the employee's work time shall begin when they receive the emergency call-back request and will include their commute time. Further, if the employee has to talk to dispatch or other personnel while driving from their designated worksite location or City premises, the employee's work time will end upon the conclusion of the phone call.

III. RESPONSE TIME

- A. A response time is the length of time that an employee's supervisor finds reasonable for an on-call employee to arrive at a designated work site in response to an on-call request.
- B. A response time starts when the on-call employee responds to the phone call or returns a missed phone call for an on-call request; the response time ends when the on-call employee arrives at the worksite designated by their supervisor.

(The employee must respond to a phone call or message within 15 minutes from the time the phone call is made to the employee. See I.B.3 below.)

- C. **Response time for each department is 30 minutes unless stated otherwise in the table below.**

<i>Department</i>	<i>Response Time</i>
Traffic	1 hour
Public Safety Communications	2 hours
Wastewater - Collections	45 minutes for 1 st employee called back 1 hour for 2 nd employee called back 1 hour for 3 rd employee called back
Water Production	1 hour
Water Reclamation	1 hour
Water Metering	1 hour

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Water Distribution	45 minutes for 1 st employee called back 1 hour for 2 nd employee called back 1 hour for 3 rd employee called back
Facilities	1 hour
Streets and Drainage	1 hour
Airport	45 minutes

ADMINISTRATIVE PROCEDURES:

I. RESPONSIBILITIES

A. Department Directors or their designees shall:

1. Identify positions and employees who are required as a condition of employment to be on-call to come back to work outside of their regularly scheduled work hours. Once identified, employees in these positions should be notified that their essential job functions require them to maintain an on-call status, and job descriptions for these positions should be updated accordingly.
2. Establish reasonable, minimum response times for on-call employees and ensure departmental response times are included in this policy (No. 106.06).
3. Change the acceptable response time as they find reasonably necessary in the event of an emergency based upon the severity of the emergency requiring on-call activity.
4. Develop on-call schedules based on departmental operations, ensuring that no preferential treatment shall be given to any employee, absent special circumstances (*e.g.*, employee provided scheduling accommodations for a medical reason).
5. Ensure that on-call employees are scheduled on a rotational basis to prevent fatigue and safety hazards from employees working too many long hours. Employees in a safety-sensitive position shall not be permitted to work more than sixteen (16) consecutive hours or eighteen (18) hours within a 24-hour period without a rest break. A safety-sensitive position is any job that includes tasks or duties that could affect the safety and health of the employee performing the tasks or others.
 - a. Example:

An employee is scheduled to work their normal work schedule from 7 a.m. to 3 p.m. (*i.e.*, 8 hours) Monday through Friday. The employee is scheduled to work on-call during their normal scheduled workweek.

The employee works their normal schedule of 7 a.m. to 3 p.m. on Monday (*i.e.*, 8

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hours) and then is called into work an on-call shift from 5 p.m. to 3 a.m. (*i.e.*, 10 hours) that same day. The employee would be required to a rest break for a period of at least 8 hours (from 3 a.m. until 11 a.m.) because the employee worked 18 hours within a 24-hour period. The employee would be paid during the employee's rest break from 7 a.m. to 11 a.m. since the employee is required to rest during these hours, which are part of their normal work schedule.

A supervisor must obtain the approval of a division or assistant manager, Director, or Deputy Director for all paid rest periods. The department Director or their designee(s) must ensure that appropriate documentation (e.g., recording of the number of hours worked by the employee(s)) is retained and maintained for audit and compliance purposes.

B. Employees

1. Employees who are scheduled to work on-call shall provide their supervisor or their designee a phone number at which they will be able to be reached at any time during the on-call period.
2. Employees who are on-call are not required to be on or remain on City premises while on-call, but the employee must remain available by telephone and maintain the capability of returning to work within their required response time.
3. Employees who are on-call must respond to an on-call request or message within fifteen (15) minutes of when the phone call was made to them.
4. Employees who have a personal emergency or are sick while on-call shall notify their supervisor or manager of their inability to work on-call or to continue serving on-call as soon as practical so that their on-call responsibilities can be transferred to another employee.
 - a. If on-call duties are transferred to another employee, any applicable on-call compensation for the traded on-call shift is forfeited and will be given to the employee covering the on-call shift.
 - b. Accumulated sick leave or other leave accruals cannot be used since the on-call hours are outside of the normal work schedule.
5. In the event a conflict arises with the on-call schedule, an employee may be able to trade their on-call shift. However, prior to an employee trading their assigned on-call shift with another employee, the employee must get approval from their supervisor or manager. If an employee gives their on-call to another employee, any applicable on-call compensation for the traded on-

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call shift is forfeited and will be assigned to the employee covering the on-call shift.

6. Employees must adhere to all City policies, including the Anti-Substance Abuse and Rehabilitation Policy (no. 108.12). When on-call, employees should not be under the influence of any drugs, including prescription or over-the-counter drugs, or substances that could adversely affect their ability to safely and effectively perform their job duties. If an employee has a medical condition and concerns about complying with their on-call duties, the employee should consult with the Human Resources Department.
7. Failure to report to work without proper approval after being called back to work, or any variance from City policies, may result in forfeiture of on-call pay, if applicable, and corrective action, including and up to involuntary termination from employment.

II. COMPENSATION DURING AN ON-CALL

- A. All employees who are scheduled to work on-call will be compensated “stand-by on-call pay” as follows:

Stand-by On-Call Pay is compensation while on-call and waiting for an on-call request.

1. An employee shall be compensated one-half (1/2) hour of pay for each on-call shift they are required to be available **during their normal scheduled workweek** (typically Monday – Friday but may vary for 24-hour operations).
2. An employee shall be compensated at the rate of two (2) hours of pay for each on-call shift they are required to be available **during their normal scheduled days off** (typically Saturday and Sunday but may vary for 24-hour operations) and on observed City holidays that the employee is scheduled off.
3. The hours paid for being scheduled for stand-by on-call are in addition to actual hours worked during the normal week or actual hours worked when called back during on-call status. This additional time will be considered time worked for overtime purposes.

- B. All employees who are called back and return to work will be compensated “Call Back On-Call Pay” as follows:

Call Back On-Call Pay is compensation when an employee is called back to work in response to an on-call request

1. An employee shall be compensated for hours worked, subject to a 2-hour minimum for the employee’s first call back per on-call shift. Thereafter, employees will be compensated for actual time worked for any additional call backs within the on-call shift but at least a minimum

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of fifteen (15) minutes. Call-back On-Call Pay counts as time worked for the purposes of calculating overtime and is in addition to the employee's compensation described under Section A in this policy.

Example 1: If an employee is called to come back to work and works for 30 minutes, the employee would receive 2-hours of call-back pay for the first call back. Thereafter, if the employee is called back to work on the same on-call shift, they would be paid for their actual hours worked or a minimum of fifteen (15) minutes, whichever is greater, for any call backs after the first call back.

Example 2: If an employee is called back three (3) times and works 30 minutes on each call back, the employee would be paid a minimum of two (2) hours for the first call back, and the employee would be paid for their actual hours worked for the other two (2) call backs.

Example 3: If an employee is called back and works three (3) hours, the employee would be paid only for their actual hours worked, which would be three (3) hours in this example.

Example 4: If an employee is called back three (3) times and works 30 minutes on the first call back, 5 minutes on the second call back, and 10 minutes on the third call back, the employee would be paid a minimum of two (2) hours for the first call back, and the employee would be paid 15 minutes for the second call back and 15 minutes for the third call back. Therefore, the employee would be paid for a total of two (2) hours and 30 minutes in this example.

2. An on-call shift does not start until after the employee has ended their normal scheduled work time, has clocked out, and has left the City premises or their assigned worksite. If an employee immediately works over their normal scheduled work time, the employee would be compensated for actual time worked.
3. Work time for purposes of on-call begins when the employee arrives at the location designated by their supervisor (*e.g.*, City premises or another worksite location) and ends when the employee leaves their designated worksite location or City premises. However, if the employee begins work earlier (*e.g.*, the employee is in contact with dispatch or other staff personnel in preparation of performing their on-call work activities), the employee's work time shall begin when they receive an on-call request and will include their commute time. Further, if the employee has to talk to dispatch or other personnel while driving from their designated worksite location or City premises, the employee's work time will end upon the

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conclusion of the phone call.

4. The hours paid for being on stand-by for an on-call shift and coming back to work in response to an on-call request are in addition to actual hours worked during the normal workweek and will be considered time worked for purposes of calculating overtime in accordance with the Fair Labor Standards Act (FLSA).
5. Time worked while on-call 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 workweek (*i.e.*, generally forty (40) hours per week for all City employees, except Civil Service Firefighters working on shift where the exception is fifty-six (56) hours per week and except Civil Service Police Officers working on shift where the exception is eighty (80) hours per week.) *See* Overtime Policy (no. 106.04).
6. Employees who are not scheduled to be on-call, but are subject to emergency call-back, are not eligible for the on-call stand-by pay described above in Section II, Compensation During On-Call.
7. Public Safety Dispatchers and Crime Scene Investigators will receive on-call pay; however, due to the nature of their operations, aspects of this policy may not apply. Public Safety Dispatchers and Crime Scene Investigators can refer to procedures within their department for further guidance on on-call pay.

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Additional On-Call Pay Examples:

Example 1:

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

Sat	Sun	Mon	Tues	Wed	Thur	Fri
		8 reg hours (straight time)				
2 hr on-call (overtime)	2 hr on-call (overtime)	1/2 hr on-call (overtime)	1/2 hr on-call (overtime)	1/2 hr on-call (overtime)	½ hr on-call (overtime)	½ hr on-call (overtime)
1 hour worked, but paid for a minimum of 2 hours - at overtime rate						4 hrs overtime
<p>Total time for pay purposes:</p> <p>40 hours regular schedule at straight time 6.5 hours on-call (pay code 54) - paid at overtime rate (time and ½ rate) 6 hours overtime pay at time and ½ (4 hours on Friday and 2 hours minimum on Saturday) (12.5 hours of total overtime paid)</p>						

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Example 2:

A non-exempt employee normally works an eight (8) hour shift Monday – Friday. They call in sick on Tuesday. They are scheduled on-call Saturday - Sunday, but because they are sick on Tuesday, they give that on-call shift to another employee. They are not called into work during the on-call period.

Sat	Sun	Mon	Tues	Wed	Thur	Fri
		8 reg hours (straight time)	8 hours sick (straight time)	8 reg hours (straight time)	8 reg hours (straight time)	8 reg hours (straight time)
2 hr on-call (straight)	2 hr on-call (straight)	1/2 hr on-call (straight)	On-call time given to another employee	1/2 hr on-call (straight)	1/2 hr on-call (straight)	1/2 hr on-call (straight)

Total time for pay purposes:

32 hours regular schedule at straight time

8 hours sick (paid at straight time)

6 hours on-call (pay code 55) – paid at the straight time rate

This is not calculated at time and ½ because they were sick, and sick leave is not considered time worked for overtime purposes. They also gave up ½ hour of on-call pay on Tuesday when they were sick (which will be paid to the employee who took their shift).

Note: Dependent upon when the Saturday-Sunday on-call was worked *if after* the Tuesday sick day, that on-call pay could be paid at overtime rate (pay code 54) if the employee did not use additional sick leave or other leave considered non-worked time within that pay week period.

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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 burst late Thursday evening, which left a neighborhood without water. The utility dispatcher called the employee and asked if they could respond to the main break. They agreed and ended up working seven (7) hours Thursday evening. No other overtime is worked, nor did they miss work for any reason.

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