

Subject: ON-CALL

Date: September 22, 2019

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Replaces Policy Dated: June 27, 2018

PURPOSE: To define the conditions under which Pinal County employees may be additionally compensated for being placed in an “ON-CALL” status to respond to calls to duty during their non-duty time.

STATEMENT OF POLICY: It is the policy of Pinal County to compensate employees who serve in an “ONCALL” status and who are required to respond to a call to duty within one hour or less. A call to duty may include responding telephonically or reporting to a work site. While Pinal County recognizes that this time may not be considered to be compensable working time under the provisions of the Fair Labor Standards Act, Pinal County does so because of any slight inconvenience this may create for employees.

SCOPE: This policy applies **ONLY** to those Pinal County employees who are designated as non-exempt from the provisions of the Fair Labor Standards Act (FLSA). Employees who are designated as FLSA-EXEMPT do not receive compensation for being in an “ON-CALL” status.

DEFINITION: Pinal County recognizes that there are many positions which, by the nature of the job, require an employee to be called to work at unscheduled times, when unforeseen situations occur. In most situations employees in these positions do not receive additional compensation until such time as they respond to a “call to duty”. However, in some cases, employees are required, as a condition of employment, to respond to a call to duty on a scheduled basis, within one hour or less of receipt of such a call to duty. In such instances the employee will be considered to be in an “ON-CALL” status. Employees, who are unable to work due to illness, cannot serve in an “ON-CALL” capacity during that same 24 hour period.

PROCEDURE: Employees who are designated as FLSA NON-EXEMPT who are specifically scheduled by their Appointing Authority or immediate supervisor to be available to respond to a call to duty within one hour will be compensated at the rate of one dollar and thirty cents (\$1.30) per hour when serving in an “ON-CALL” status.

1. The supervisors will define the departments and job titles eligible for on-call pay, based on operational needs.
2. The department director will decide specifically which employee(s) will be assigned to on call status.
3. Each job title that Pinal County classifies as exempt (under the Fair Labor Standards Act) will not be eligible to receive on-call pay.
4. On-call status cannot be scheduled concurrently with regularly scheduled work hours.

5. Employees will be considered engaged by Pinal County from the time they leave home (or when they receive the call) until the work is completed. This time will be considered worked time and will be recorded as such on the time record by the employee. Circumstances causing an increase in travel time should not be included in the time worked.
6. On-call pay cannot be taken when an employee is utilizing:
 - Vacation;
 - Sick leave;
 - Bereavement leave;
 - Military leave;
 - Administrative leave or on suspension.
7. An employee's compensation for on-call status will be for each whole hour that the employee makes themselves available during off-duty hours and will be paid at the approved rate of \$1.30.
8. An employee may lose their on-call compensation if they do not meet the following criteria:
 - Thoroughly check the working status of the means of contact before on-call status begins and maintain it in operational mode at all times;
 - When contacted, must answer or return the call within fifteen (15) minutes;
 - Arrive in the work unit within 60 minutes or less after receiving the call if required.
 - Arrive in a condition "fit" for duty.
9. When an employee is called back to the duty station, work time will be paid at the employee's regular rate of pay or at his or her overtime rate if the employee has already worked the required hours;
10. Employees shall not be required to remain at the duty station while in on-call status.

LAW ENFORCEMENT ON-CALL

Employee group personnel who are called back to work during an off-duty period to perform unscheduled duties (not in an on-call status) which are in excess of their regular hours of work, shall receive a minimum of two (2) hours straight time each time called out, or the actual overtime hours worked whichever is greater. Employee group personnel called out within 60 minutes of their regular tour of duty shall be compensated for the actual time performing call-out duties, including the period of time between the call and their regular tour of duty not subject to the two-hour minimum and in compliance with the A.R.S. § 23-392.

Pinal County complies with all Department of Labor and Fair Labor and Standards Act regulations. Per 29 C.F.R. §785.17, employees are not restricted from engaging in personal pursuits so long as employees are able to comply with the terms outlined above.

Any exceptions to the procedures must be approved in writing by the County Manager or Assistant County Manager.