

Policy 602.29

1 Introduction

1.1 It is the policy of the State of North Carolina to provide additional compensation to designated employees, regardless of appointment type, who are required to serve in on-call status and/or who are called back to work.

1.2 Management should carefully weigh the costs and benefits of alternatives before authorizing on-call or emergency callback pay. Reasonableness and fairness shall be exercised in administering this policy.

2 Scope

2.1 This policy applies to positions/employees in select and approved job classes who can most effectively meet the work required. Employees in positions designated for on-call and or callback pay shall be notified in advance of being subject to on-call and emergency callback.

3 Definitions

3.1 On-Call

Designated positions/employees required to be available for work should an unscheduled emergency require their return to work on short notice. On-Call time is not considered in determining total hours worked.

3.2 Emergency Callback

Designated employees available to be called back to work on short notice to an emergency work situation to:

1. Avoid significant service disruption
2. Avoid placing employees or the public in unsafe situations
3. Protect and/or provide emergency services to property or equipment or
4. Respond to emergencies with students, staff, faculty, clients

4 Policy and Procedure Statements

4.1 Policy and Procedure Statements

Based on sound business need, management at the university, department, or unit shall:

1. Select positions that are subject to on-call and/or emergency callback,
2. Maintain a list of the classification titles of these positions and their compensation rates, and
3. Provide this list on an annual basis to the Human Resources Office and Payroll Department.

On-Call/Emergency Callback procedures do not apply to EHRA, or SHRA management personnel.

If emergency situations can be handled under the general provision of emergency call-back pay, the on-call provision will not be used.

Human Resources and the Payroll Department shall submit a list of the classes eligible for on-call, along with the rates paid, to the Office of State Personnel, as requested.

4.1.1 Notification to Employees

4.1.1.1 Employees shall be notified in advance in writing of being subject to on-call and, to the extent practicable, emergency callback.

4.1.2 Rate of Pay

4.1.2.1 On-call compensation must be in the form of pay or paid time off, as described below.

4.1.2.2 The University's on-call rate is \$2.50 per hour for skilled trades and \$2.00 per hour for institutional services or 1/8th hour compensatory time off for each hour on call.

4.1.2.3 The manner of compensation is dependent upon the employee's appointment type: Permanent SHRA non-exempt employees (including probationary and trainee) who are wage-hour non-exempt either may either be paid for on-call time as it is earned or receive compensatory time off.

4.1.2.4 On-Call compensation (either pay or time off) cannot be applied to work time, including breaks and meal periods. All On-Call compensatory time off must be taken before any other compensatory time earned.

4.1.3 On-Call Compensation

1. Physical Plant
2. Housing
3. Food Services

4.1.3.1 For all positions designated on call, the On-Call rate will be \$2.50 per hour on call (\$40 per sixteen-hour shift) for skilled trades and \$2.00 per hour on call (\$32 per sixteen hour shift) for institutional services.

4.1.4 New River Light and Power

1. \$3.00 for top level call
2. \$2.00 for bottom level call
3. Only 'A' lineman and above can take the top level call. All personnel would qualify for the bottom level call.

4.1.5 Overtime Pay Rate for FLSA Non-Exempt Employees

4.1.5.1 If an FLSA non-exempt employee works overtime during a week in which s/he receives on-call pay, the on-call pay rate must be included in the employee's regular pay rate for calculating the overtime pay rate. However, the time spent in on-call status is not included for determining hours for overtime eligibility (with the exception of those hours for which the employee receives emergency callback pay).

4.1.6 Emergency Callback Compensation

4.1.6.1 *Emergency Callback* compensation for eligible SHRA non-exempt employees must meet the following guidelines:

1. Employees returning to work shall receive a minimum of two hours compensation as time off or additional pay at the straight-time rate of pay for each occasion of callback. The Office of State Personnel may approve a higher rate of compensation if justified by labor market data.
2. Employees responding via telephone/computer shall receive a minimum of 30 minutes as time off or additional pay at the straight-time rate for each occasion of callback. If more than one callback occurs within a given shift, total callback time cannot exceed two hours unless the work time exceeds two hours.
3. If the time on callback is more than the two hours allowed, the employee shall be compensated for the actual time on callback
4. Management shall determine a reasonable time for which preparation and travel to the worksite shall be compensated.
5. Shift pay, holiday pay and overtime pay shall be received in addition to emergency callback pay, if applicable. Time on callback is subtracted from the on-call hours.
6. Employees whose work continues following the end of the regularly scheduled hours of work are not eligible for the callback.
7. Time actually worked and travel to the worksite shall be included in hours worked for determining overtime hours.
8. Emergency callback pay must be included in calculating the employee's regular hourly rate for overtime pay.

4.1.6.2 Time actually worked, and travel time to the worksite, shall be included in callback hours worked for determining employee compensation, including overtime, if applicable. Management shall determine a reasonable time for which preparation and travel to the worksite shall be compensated. Travel time away from the worksite will not be compensated.

4.1.7 Paid Callback - Time Not Worked

4.1.7.1 If an employee who returns to work for emergency callback works at least two hours in a shift. However, if the employee who returns to work for emergency callback works less than two hours, then the time worked is recorded as actual work time, and the amount of time necessary to equal two total hours of compensation is considered Callback Not Worked.

4.1.8 FLSA Subject Employees

4.1.8.1 Employees returning to work shall receive a minimum of two hours additional pay at the straight-time rate of pay for each occasion of callback or two hours of compensation as time off.

4.1.8.2 Employees responding via telephone or computer shall receive a minimum of 30 minutes as time off or additional pay at the straight-time rate of pay for each occasion of callback. If more than one callback occurs within a given on-call shift, total callback time cannot exceed 2 (two) hours unless the work time exceeds two hours.

4.1.8.3 If the time on callback is more than the two hours allowed, the employee shall be compensated for the actual time on callback rounded to nearest 15 minute increment.

On-Call/Emergency_Callback_Pay

4.1.8.4 Shift pay, holiday pay and overtime pay shall be received in addition to emergency callback pay, if applicable. Time on callback is subtracted from the on-call hours.

4.1.8.5 Employees whose work continues following the end of the regularly scheduled hours of work are not eligible for callback.

4.1.8.6 Time actually worked and travel to the worksite shall be included in hours worked for determining overtime hours.

4.1.8.7 Emergency callback pay must be included in calculating the employee's regular rate for overtime pay.

4.1.9 Separation or Transfer

4.1.9.1 For FLSA non-exempt employees, if on-call or callback time has not been taken off as compensatory leave, it shall be paid to employees upon separation or transfer to another department or outside state agency or university. The on-call pay shall be at the rate applicable to the position.

4.1.9.2 **FLSA Exempt employees** normally do not receive additional compensation for emergency callback. However 1) compensatory time for exempt employees may be used to provide time off for callback.

4.2 Compensation Examples

Employee's hourly rate = \$13.00 On-call rate approved by OSP = \$2.50

Example No. 1 - All emergency call-back occurred during on-call hours

On-call hours	8 (Sunday 8:00 a.m.-4:00 p.m.)
Hours emergency callback	4 (Called back at 10:00 a.m.)
Hours on-call to be paid	4 (On-call minus 4 hrs callback)

\$13 x 44 (40 hours worked plus 4 hours callback)	\$572.00
\$2.50 x 4 hours (on-call)	plus \$10.00
Subtotal	\$582.00
Overtime Rate (\$582.00 divided by 44)	\$13.23
\$13.23 x 4 (OT for emergency callback) x .5	\$ 26.45 (plus longevity if applicable)
Total Wages Earned	\$608.45

Example No. 2 - Part of emergency call back occurred during on-call hours

On-call hours	8 (Sunday 8:00 a.m.-4:00 p.m.)
Hours on emergency callback	4 (Called back at 3:00 p.m.)
Hours to be paid on-call	7 (8 hrs minus 1 hr callback)

\$13 x 44 (40 hrs worked plus 4 hrs callback)	\$572.00
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\$2.50 x 7 hours (on-call)	plus \$17.50
Subtotal	\$589.50
Overtime rate (589.50 divided by 44) = \$13.40 (Overtime rate)	
\$13.40 x 4 (OT for emergency callback) x .5	equal \$26.80 (plus longevity if applicable)
Total Wages Earned	\$616.30

Example No. 3 Less than 2 hours emergency callback

On-call hours	8 (Sunday 8:00a.m. - 4:00p.m.)
Hours on emergency callback	2 (Called back at 1:00 p.m.; worked 1 hour and 30 min.)
Hours to be paid on-call	6 (8 hours minus 2 hours minimum callback)

\$13 x 42 (40 hours worked plus 2 hours callback)	\$546.00
\$2.50 x 6 hours (on-call)	plus \$15.00
Subtotal	\$561.00
Overtime rate (\$561.00 divided by 42)	\$ 13.36
\$13.36 x 1.5 (OT for emergency callback) x .5	equals \$10.02 (plus longevity if applicable)
Total Wages Earned	\$571.02

Example No. 4 Includes Shift Pay

On-call hours	8 (Sunday 3:00 p.m.-11:00 p.m.)
Hours on emergency callback	4 (Called back at 5:00 p.m.)
Hours to be paid on-call	4 (8 hours minus 4 hours callback)

\$13 x 44 (40 hours worked plus 4 hours callback)	\$572.00
\$2.50 x 4 hours (on-call)	plus \$10.00
Shift (\$13 x 8 x 10%)	plus \$10.40
Subtotal	\$592.40
Overtime rate (592.40 divided by 44)	\$ 13.46
\$13.42 x 4 (OT for emergency callback) x .5	\$26.93 (plus longevity if applicable)
Total Wages Earned	\$619.33

5 Additional References

6 Authority

7 Contact Information

Mark Bachmeier, Director of Human Resources, bachmeiermd@appstate.edu, 828-262-6483

8 Original Effective Date

June 1, 2011

9 Revision Dates