BOBBY JINDAL
GOVERNOR

ANGELE DAVIS
COMMISSIONER OF ADMINISTRATION

State of Louisiana

Division of Administration
Office of Human Resources

DIVISION OF ADMINISTRATION

PERSONNEL POLICY NO. 49

EFFECTIVE DATE: **March 11, 2002**

REVISED DATE: **March 11, 2003; September 11, 2008**

SUBJECT: **On-call Pay**

AUTHORIZATION: **Barbara Goodson, Deputy Commissioner**

I. PHILOSOPHY:

In accordance with Civil Service Rule 6.28 and Civil Service General Circular #929, sections of the Division of Administration may utilize on-call pay, up to $2.25 per hour, in accordance with the procedure outlined below and with the approval of the appointing authority.

II. PURPOSE:

The intent of this policy is to assure equitable and appropriate compensation for on-call work effort when the worker is available for work status, within a specified period of time, at the direction of his/her appointing authority. This policy is also to assure compliance with applicable laws, regulations, rules, etc.

III. DEFINITIONS:

A. At work:

Employee is at his/her regular work site conducting the employer's work, or the employee is at a location other than his/her regular work site conducting the employer's work, or the employee is at home conducting the employer's work, such as on a computer. These activities are defined as work and compensated as such.

B. Call-back Status:

The section maintains a list of the names of employees who can perform the work required. When there is a need, the supervisor calls the individuals on the list until he/she reaches someone who is available to report to work. This status appears to be very similar to on-call but is different in that employees are not required to be available by beeper or telephone. If they are reached, however, they may be required to report to work. There is no penalty if the employee cannot be reached. There is no on-call pay for this status.

C. Call-area:

The geographical area that an employee must remain in while on-call. This is usually considered the beeper or phone range.

D. Call-response time:

The window of time in which an employee must respond to a call. This response time will be determined by the section head or his/her delegate.

E. On-call status:

The employee is in on-call status when he/she is required to remain available for contact by phone and/or beeper and is prohibited from traveling outside of the phone and/or beeper range during the on-call period. The employee is required to be available to move into work status if required. This might involve returning to the work site or beginning to work from home, such as on a computer. On-call status ends when the individual is actually contacted. At the time contact is made, the employee enters work status and is eligible for compensation as instructed under DOA Personnel Policy No. 22, Overtime. When the employee finishes working he/she reverts back to on-call status until the end of the assigned on-call period.

F. On-call pay:

On-call pay is compensation for hours in excess of regularly scheduled hours of duty, when the worker is available for work status, within a specified period of time, at the direction of his/her appointing authority. On-call pay or on-call compensation is in addition to the employee's regular pay and is not included in base pay, retirement calculations or terminal leave payments allowed under Civil Service Rules. On-call pay or on-call compensation shall not be granted to an employee for his/her regularly scheduled hours of duty.

G. Work Status:

For the purpose of this policy, "work status" is a situation in which an incumbent who was in on-call status is actually called to duty and is performing duties on-site (at work location) or from his home, or any other location as directed by the supervisor.

IV. PROCEDURE:

On-call pay must be in accordance with Civil Service Rule 6.28 and Civil Service General Circular No. 929, dated June 30, 1989 and available from the Office of Human Resources. In order for a section of the Division of Administration to utilize on-call pay, a written procedure for that section must be submitted to and approved by the appointing authority.

The procedure must contain the following information:

1. A definition of **on-call status** as it applies to the situation in question. For example, on-call status might be required during a processing cycle, or, on-call status might be required to provide help-desk support, or on-call status might be utilized in standard shifts.

2. The hourly dollar amount of on-call pay, which will apply to the positions and shifts and/or situations, when the hourly dollar amount does not vary.

3. If different hourly dollar amounts are utilized for on-call pay for various days and/or shifts and/or situations, then the following must be included: 1) a listing of the shifts and/or situations for which on-call pay would apply, including specifics such as beginning and ending times of each shift and the days for which on-call pay would apply, and 2) the hourly dollar amount of on-call pay for each shift and/or situation and for each day, and 3) justification for the varying rates.

4. An explanation of the necessity to have positions in on-call status in order for services to continue without interruption.

5. A designation of specific ISIS/HR organizational units when all positions within the unit will be authorized for on-call pay. If all positions within an organizational unit will not be authorized for on-call pay, a listing of specific positions authorized for on-call must be noted. This listing must include position number, job title, and current incumbent, by ISIS/HR organizational unit.

6. A mechanism by which the actual availability of the incumbent of any position in on-call status can be monitored. For example, a supervisor could place random calls to each employee while he/she is on-call to determine if calls are being answered. The intention of such a mechanism is to mitigate the possibility of abuse.

7. A plan of alternative work schedules to accommodate those calls which occur between the close-of-business and the time the incumbent who is on-call can commute to his home as well as from the departure of the incumbent from his home to his arrival at work and the beginning of business. If this coverage is not required, an explanatory note should be included.

8. A method of tracking any employee who, during any six-month period, receives no call during his/her on-call pay status. Upon identification of such an employee, the on-call status authority for that employee must be terminated.

An employee who is on-call and is called to duty (to work on the office premise or at home) shall be considered at work and paid for a minimum of one-half hour (even if the work demands fewer than 30 minutes.) Further, an employee is either in on-call status or in work status, but never both at the same time for compensation purposes.

If an employee is on official sick leave status during his/her regular work hours, he/she cannot then be in on-call status until he/she has reported to work again. In other words, an employee whose work hours are 8:00 a.m. to 5:00 p.m., and who has called in sick for that work day, may not be in on-call status anytime after 5:00 p.m. That employee should not be in on-call status again until he/she has been in active work status.

However, there may be circumstances that occur where an employee has not been in active work status as a result of illness or medical appointment but would still be allowed to be in on-call status in the hours following his/her absence in official sick leave status. When these circumstances occur, an employee who was unable to report to work during regular work hours may be on-call if he/she is able to respond to calls or return to the worksite if needed. If an employee is unable to respond to calls or return to the worksite he/she should not be on-call. At the time the employee reports his inability to be in active work status (calls in sick or leaves the work site ill) he/she should notify his/her manager that he/she is unable to fulfill the obligations of on-call status and should not be placed in on-call status until further notice. The section head is responsible for designating a suitable substitute for the ill employee.

Additionally, an employee who is absent on annual leave during the regular work hours should not be in on-call status in the hours following those regular work hours. As with sick leave, however, there may be circumstances that warrant the necessity for an employee to be in on-call status immediately following a period of absence on annual

leave. Section heads should exercise discretion in these circumstances to ensure the practicality of any given situation, i.e. – allowing an employee to be in on-call status immediately following an absence on annual leave. Section heads should ensure that a process is in place to manage on-call schedules and employee leave requests.

V. REPORTING:

A report shall be produced on a monthly basis which projects the schedule of which positions and incumbents shall be assigned on-call status for each day, shift and/or situation for the up-coming month. This report shall be corrected as changes occur and must be finalized at the end of the month. These reports may be subject to audit.

VI. RESPONSIBILITIES:

Deputy/Assistant Commissioners and Equivalent are responsible for:

Holding section heads under their supervision accountable for adhering to all aspects of this policy.

Section Heads are responsible for:

Assuring that on-call assignments are fairly and equitably distributed among those employees capable of performing the necessary duties.

Complying with budgetary constraints as they apply to on-call pay, including consultation with the appointing authority when appropriate.

Developing an on-call policy for the section which complies with the instructions in this policy and establishes the on-call pay rate(s).

Managing leave requests and on-call pay schedules for employees and finding suitable substitutes for employees unable to perform on-call duties.

Forwarding a Personnel Action Request (PAR) form to the Office of Human Resources indicating the movement of individuals from one position to another, any change of individual on-call pay status or eligibility, or movement of the position from one organizational unit to another.

Indicating on Position Descriptions (SF-3's), for both new positions and updates to existing positions, whether or not a position is eligible for on-call pay.

Maintaining a monthly report which reflects the schedule of which positions shall be assigned on-call status for each shift for the upcoming month. This report is to be corrected as changes occur.

Terminating the authority for on-call pay status for an employee who, during any six-month period, receives no call during his/her on-call pay status.

Office of Human Resources is responsible for:

Providing a periodic report to the sections and the appointing authority which lists positions authorized for on-call status and their incumbents.

Supervisors are responsible for:

Notifying the section head when an employee who was assigned on-call status was not available when a call was made to the employee.

Employees are responsible for:

Being available for contact and able to report to work during the designated time period that he/she is in on-call status, and recognizing that failure to be available when in on-call status may result in disciplinary action.

Notifying his/her supervisor if, because of serious extenuating circumstances, the employee cannot remain in on–call status, during the normal on-call hours.

Maintaining on a daily basis, information showing the actual on-call hours earned as well as actual hours worked during the on-call period.

VII. QUESTIONS:

Questions should be directed to the Office of Human Resources.

VIII. EXCLUSIONS:

Section heads and their principal assistants are not eligible for on-call status.

IX. EXCEPTIONS:

Requests for exceptions to this policy shall be justified, documented and submitted to the appointing authority for consideration.