

UTAH DEPARTMENT OF HEALTH AND HUMAN SERVICES POLICY AND PROCEDURES		
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ON-CALL		
<p>RATIONALE: To establish consistency within the department on reporting and compensating employees who are required by management to be placed on an on-call status outside their regularly scheduled work hours and to ensure compliance with the Fair Labor Standards Act and Utah Division of Human Resource Management Rules.</p> <p><i>Related Policies, Applicable Standards, Statutes: R477-8-10, 29 U.S.C. §213 of the FLSA</i></p>		
Original Effective: July 9, 2022	Revision: September 19, 2025	Next Review Due: September 15, 2030

I. DESCRIPTION

This policy outlines procedures for the approval, recording, and compensation of on-call time. This policy supersedes any previous department policy governing this subject matter. It does not supplant any existing federal, state, or department laws/policies to which the department shall adhere.

II. DEFINITIONS

The following terms are defined for this policy as:

- A. **DFA:** The Division of Finance and Administration is the DHHS operational unit that oversees the financial operations and administration side of the department.
- B. **DHHS or department:** The Utah Department of Health and Human Services and collectively all its operational units.
- C. **DHRM:** The Division of Human Resource Management (DHRM) field office assigned to the Department of Health and Human Services.
- D. **EDO:** The DHHS executive director’s office.

- E. **FLSA-exempt employee:** An employee who is exempt from the overtime and minimum wage provisions of the federal Fair Labor Standards Act. An FLSA-exempt employee is generally a person who is employed in an executive, administrative, or professional capacity. (See 29 U.S.C. §213 of the FLSA.)
- F. **FLSA nonexempt employee:** An employee who is not exempt from the overtime and minimum wage provisions of the federal Fair Labor Standards Act. (See 29 U.S.C. §213 of the FLSA.)
- G. **On-call status:** An FLSA nonexempt or exempt employee is considered to be in on-call status when agency management requires the employee to be available to respond to work within a predetermined response time outside of the employee's scheduled work hours.
- H. **On-call time:** Time compensated at a predetermined rate while in on-call status.
- I. **OU:** Operational units within DHHS, including divisions, offices, or standalone operations whose director reports to the executive director, a deputy director, or an assistant deputy director. The Utah State Hospital and Utah State Developmental Center are considered OUs.

III. POLICY

- A. The department authorizes OU directors to determine the necessity to fulfill their OU's mission and operational responsibilities by assigning designated employees to be in on-call status after consulting with the DHHS executive director or their designee.
- B. Justification for on-call status is determined by the function and role of the employee in relation to the critical nature and probability of needing services outside of normal operational hours.
- C. An OU director may cancel their employee's on-call agreement at any time.
- D. Each OU shall perform an analysis and submit written justification annually, beginning in 2026, by September 15 to EDO for on-call pay consistent with DHRM Rule R477-6 and Rule R477-8.
- E. The on-call rate is one hour of pay per 12 hours on-call time.
 - 1. FLSA nonexempt employees may not be paid less than one hour of pay per 12 hours.
 - 2. Hours of on-call pay shall be calculated by subtracting the number of hours of actual work performed during the on-call period for each specific calendar day from the number of hours in the on-call period,

then dividing the result by 12 (if the rate is one hour of pay per 12 hours). On-call hours are rounded to the nearest 15-minute increment.

3. An employee may not record more than 24 hours total time of on-call hours, hours worked, and leave hours in a 24-hour period on their timesheet.
- F. Carrying a cell phone shall not constitute on-call time outside the definition of on-call.
- G. Employees who are not in an on-call status, but have been called back to work by management are neither eligible for nor entitled to on-call time compensation.
- H. An employee who voluntarily agrees to be reachable is not considered in an on-call status. This includes employees who are issued state equipment, such as a cellular phone or other means of communication.

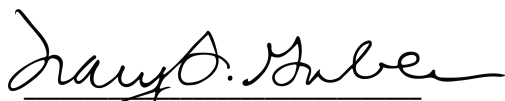
IV. PROCEDURE

- A. An OU director shall designate an on-call status for their OU's employees.
- B. If an OU is authorized to use on-call status, employee supervisors may recommend specific employees to the OU director who may receive on-call pay.
- C. Employees authorized to receive on-call pay shall submit the DHHS On-call Agreement form at the end of this policy to their direct supervisor and OU director to receive on-call pay.
- D. An employee's direct supervisor shall notify the employee in writing of the specific on-call time frames and number of hours to be made available during the designated on-call time period.
- E. An employee's direct supervisor shall determine reasonable time periods for designated on-call employees to respond to calls.
- F. While on-call, the employee is expected to report to work during the on-call time period as needed. The amount of time DHHS requires for the employee to respond should take into consideration commute distance based on geographical constraints. DHHS may require the employee on-call to report to work within a specified time.
- G. An employee's direct supervisor shall document the employee's on-call status by uploading an On-call Agreement form in the Vantage Performance Management system on an annual basis.
- H. An employee shall properly record on-call time on their biweekly timesheet.

- I. The employee shall not record on-call time using the same hours that are recorded as hours worked.
 - 1. Any time worked during the authorized on-call period is to be totaled at the end of the on-call period and rounded to the nearest 15-minute increment and recorded as work hours.
 - 2. Travel time commuting to the jobsite and back home during on-call time is not considered hours worked.
- J. An employee may not record on-call time while using leave time (except holiday leave) or when otherwise unable to respond to a call to duty.
- K. On-call hours shall be paid during the pay period following the recorded hours on the employee timesheet.
- L. An employee shall conduct themselves in a professional manner during on-call hours and comply with DHHS Policy 02-03 Code of Ethics and Conduct and all agency policies while performing on-call duties.
- M. Analysis and justification
 - 1. OU directors shall work with their assigned DFA representatives, with the support of the Division of Data, Systems, and Evaluation, if needed, to analyze on-call pay for their respective areas.
 - 2. OU directors may work with DFA to obtain reports regarding on-call pay for their respective areas.
 - 3. OU directors shall submit the analysis and written justification of continuing employees' on-call pay by September 15 annually to dhhsedo@utah.gov for approval, beginning September 2026.
 - 4. EDO shall review and approve continuing practices.

V. EXCEPTIONS

- A. The executive director may make exceptions to this policy, in accordance with procedures outlined in DHHS Policy 01-01.
- B. This policy does not apply to "stand-by" status referenced in DHRM Rule R477-8-11.
- C. To receive on-call rate exceptions, an employee shall receive the DHHS executive director's approval for a higher rate and an exception to the on-call rate by DHRM.


Tracy S. Gruber, Executive Director

September 19, 2025

Date

