

UTAH DEPARTMENT OF HEALTH AND HUMAN SERVICES POLICY AND PROCEDURES		
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ON-CALL POLICY		
<p><b>RATIONALE:</b> 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: July 9, 2022	Next Review Due: September 8, 2025

## I. DESCRIPTION

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

## II. DEFINITIONS

The following terms are defined for this policy as:

- A. **DHHS:** The Utah Department of Health and Human Services and collectively all its operational units.
- B. **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.)
- C. **FLSA non-exempt employee:** Employees who are 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). Compare the "FLSA Exempt Employee" definition.)
- D. **On-call status:** A FLSA non-exempt or exempt employee is considered on-call status when the employee is required by agency management to be available to respond to work within a predetermined response time outside of the employee's scheduled work hours.
- E. **On-call time:** Time compensated at a predetermined rate while in on-call status.

- F. **OU:** Operational units within DHHS, including divisions, offices or standalone operations whose director reports to the executive director, a deputy director, an assistant deputy director, or a division director.

### **III. POLICY**

- A. The department authorizes management to determine the necessity to fulfill its mission and operational responsibilities by assigning designated employees to be in on-call status.
- 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 the normal operational hours.
- C. Working on-call status is for the purpose of covering work duties in support of agency work and customer service; not a worker benefit or right to gain additional compensation, and management may cancel an Employee On-Call Agreement at any time.
- D. The on-call rate is one hour of pay per 12 hours on-call time unless the person has approval by the Executive Director for a higher rate and has received an exception to the on-call rate by DHRM. FLSA non-exempt employees may not be paid less than one hour of pay per 12 hours.
  - 1. 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). Hours on-call are rounded to the nearest fifteen minute increment.
  - 2. 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 the timesheet
- E. Employees may appeal on-call status to their OU director.

### **IV. PROCEDURE**

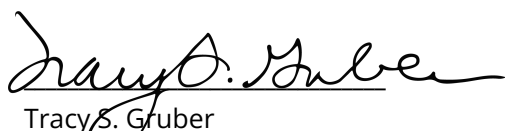
- A. On-call status shall be designated by a supervisor and Division, Institution or Office in writing using the DHHS On-Call Agreement Form.
- B. Management shall notify the employee in writing of the specific on-call time frames and number of hours to be made available during the designated on-call time period.
- C. Management shall determine reasonable time periods for designated on-call employees to respond to calls.
- D. While on-call, the employee is expected to report to work during the on-call time period as needed. The amount of time required by the employer for the employee to

respond should take into consideration commute distance based upon geographical constraints.

1. The agency may require the employee on-call to report to work within a specified time.
- E. On-call status shall be documented in the Utah Performance Management system on an annual basis.
- F. On-call time shall be recorded by the employee on their bi-weekly time sheet.
- G. 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 fifteen (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.
- H. On-call time is adjusted based on the hours worked during an on-call period.
- I. 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.
- J. On-call hours shall be paid during the pay period following the recorded hours on the employee timesheet.
- K. Employees shall conduct themselves in a professional manner during on-call hours.
  1. Employees shall comply with DHHS Code of Ethics and all agency policies while performing on-call duties.
- L. Employees shall send a written appeal to their OU director or designee if they wish to appeal on-call status.

## **V. EXCEPTIONS**

- A. Carrying a cell phone shall not constitute on-call time outside the definition of on-call.
- B. Employees who are not in an on-call status but have been called back to work by management are not eligible for nor entitled to on-call time compensation.
- C. 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.
- D. This policy does not apply to "Stand By" status referenced in DHRM Rule R477-8-11.



Tracy S. Gruber

Utah Department of Health and Human Services Executive Director

**July 9, 2022**

Date

UTAH DEPARTMENT OF HEALTH AND HUMAN SERVICES  
ON-CALL AGREEMENT

Employee Name: \_\_\_\_\_

Division/Office: \_\_\_\_\_

Supervisor Name: \_\_\_\_\_

AGREEMENT TERMS AND CONDITIONS:

I hereby agree to be placed in an "on-call" status with the Department of Health and Human Services and understand that management requires that I make myself available to return to work or perform work during management specified days and time frames.

I acknowledge:

1. I acknowledge that I will respond to a call or page within \_\_\_\_ minutes.
2. I will be compensated at the rate of \_\_\_\_ hour for every \_\_\_\_ hours on-call while on on-call status. (Anything besides 1 hour of pay for every 12 hours of on-call must be approved by the Executive Director for DHHS and DHRM).
3. I have read and will comply with the DHHS On-Call Policy.
4. I agree to the following schedule for on-call duty: \_\_\_\_\_
5. Any breach of this agreement may result in disciplinary action.
6. This agreement may be terminated at any time by management, with or without prior employee notification.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Supervisor Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
DIBO Signature

\_\_\_\_\_  
Date