

USM Bylaws, Policies and Procedures of the Board of Regents

USM HR Policy Review Sheet

Policy Number: VII – 4.62

New Policy Title: Policy on On-Call and Call-Back for Nonexempt Staff Employees

Old Policy Title: Policy on On-Call and Call-Back for Classified Employees

1. Policy Application: Nonexempt Staff Exempt Staff Faculty Contingent Staff
 All Other: _____

2. Proposed Revisions

Terminology outdated

Re-Formatting

Title Change

Obsolete provisions deleted

Merge with other policy: _____

Clarifications: _____

Transfer to another policy or chapter: _____

Updates to reflect changes in law

Incorporate USM-wide existing practice into policy

Incorporated Pre-USM Policy:

Fills gap in policy:

Added definitions

Other revisions: _____

DRAFT – 8/27/14

**VII - 4.62 - POLICY ON ON-CALL AND CALL-BACK FOR NONEXEMPT STAFF
CLASSIFIED EMPLOYEES**

(Approved by the Board of Regents on June 19, 1991)

I. ~~I.~~ PURPOSE AND APPLICABILITY

This Policy establishes procedures to administer on-call and call-back duty procedures and applies only to Regular Status Nonexempt Staff employees of the University System of Maryland who may be required to report to work outside their normally scheduled hours.

II. TERMS AND DEFINITIONS

A. On-Call - Nonexempt Staff employees are considered to be in an on-call status and shall receive additional compensation when required to be available to report to work outside the normally scheduled hours for emergencies or other unusual circumstances.

B. Call-Back - Nonexempt Staff employees are considered to be in a call-back status and shall receive additional compensation when required to return to work after regularly scheduled hours or asked to report to work on an off-duty day for emergencies or other unusual circumstances.

C. Essential Employee – Is defined as a Nonexempt Staff employee who has been designated as vital to the operation of the facility; whose presence is required regardless of the existence of an emergency condition; and whose absence from duty could endanger the safety and well being of the Institution’s population and/or physical plant (e.g. police, stationary engineers or other heating plant and maintenance personnel, snow removal employees, food service staff, hospital staff).

III. ADMINISTRATION

A. On-Call Duty

~~A. Eligibility~~

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~~1. All regular classified employees of the University of Maryland System who are designated as nonexempt under the Fair Labor Standards Act, when required to be available to report to work outside the normally scheduled hours for emergencies or other unusual circumstances, are considered in an on-call status and shall receive compensation.~~

~~2. The institution Director of Personnel/Human Resources may approve the payment of the compensation to a nonexempt employee who is exempt under the Fair Labor Standards Act if it is demonstrated that the nature of work is very specialized or an emergency situation exists.~~

~~B. Provisions~~

1. Employees assigned to on-call duty are required to be available accessible if it is necessary for them to return to work.

a. If during the on-call period unforeseen circumstances arise where the employee cannot be reached or is no longer able to respond, the employee must notify the supervisor immediately. The employee shall be removed from on-call status for that day for pay purposes unless the individual had previously responded during that same day.

b. ~~2. Designated employees shall normally be assigned to on-call for a period of not more than seven consecutive days (including holidays). On-call status may extend to the maximum of 24 hours for each day, as determined by each department manager.~~ An employee who is assigned to on-call status and cannot be reached or does not report within two hours of being contacted may be subject to disciplinary action and shall be removed from on-call status for that day for pay purposes, unless the individual had previously responded during that same day.

c. In instances where designated on-call employees cannot be reached or are unable to respond, the supervising authority may obtain a qualified substitute from any available source.

~~2. Designated employees shall normally be assigned to on-call for a period of not more than seven consecutive days (including holidays). On-call status may extend to the maximum of 24 hours for each day, as determined by each department manager.~~

3. Employees shall be notified in advance of their assignment to on-call status.

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4. Essential employees are not automatically assigned to on-call status.

54. On-call status assignments will be allocated by each department manager on a rotating basis among those employees eligible for such assignments.

6. ~~C.~~ Compensation for On-Call Duty

~~1.a.~~ Employees shall receive on-call pay according to the rates established by the Chancellor or designee for each day that they are assigned to on-call. On-call rates are published for the general information of all employees. If an employee is assigned to on-call status and is called to work, the employee will be paid according to the on-call rate in addition to any pay due for hours worked. On-call pay shall be included in the base pay for purposes of computation of overtime pay.

~~2b.~~ An otherwise eligible employee will not receive on-call compensation if the performance of the duties is an extension of the employee's regular work day or work week.

~~H.~~ B. Call-Back Duty

1.A. ~~Eligibility Regular nonexempt classified e~~ Employees who are required to return to work on a regularly scheduled on-duty day after going off-duty, or are required to work on a regularly scheduled off-duty day are eligible for call-back compensation.

2B. ~~Provisions~~ This policy applies to employees who are called back to work whether or not such employees are in on-call status.

3C. Compensation for Call-Back Duty

~~1.a.~~ Employees called back shall be credited with a minimum of two hours additional work time even if the time spent on duty is less than two hours. This circumstance does not apply to the employee who may be working overtime as a continuation of the employee's normal hourly schedule.

~~2.b.~~ Normally, travel between home and work is not work time. However, where employees have gone home after completing a day's work or are on scheduled off duty days and subsequently are required to return to the normal place of work or any other location in order to perform a necessary task, travel time is included as work time. Additionally,

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such hours spent in travel shall be considered as hours worked and count toward the accumulation of overtime hours. Travel time counts toward the two-hour minimum call-back time.

- ~~c3.~~ An employee who is called back during a qualifying shift will receive a pro-rata shift differential according to the policy entitled, "Shift Differential."

~~III. EFFECTIVE DATE:~~

~~— This policy shall become effective July 1, 1990.~~

IMPLEMENTATION PROCEDURES:

Each ~~President~~ Chief Executive Officer shall identify his/her designee(s) as appropriate for this policy; ~~shall~~ develop procedures as necessary to implement this policy; ~~shall~~ communicate this policy and applicable procedures to his/her institutional community; ~~post it on its institution website~~ shall forward a copy of such designations and procedures to the Chancellor.

Replacement for: ~~UM Personnel Policies and Rules for Classified Employees — Section III Compensation, page III-7&8~~

DEFINITIONS:

~~— "Essential Employee" — An employee of a facility who has been designated as vital to the operation of the facility, whose presence is required regardless of the existence of an emergency condition, and whose absence from duty could endanger the safety and well being of the campus population and/or physical plant. Examples of such employees are police, stationary engineers or other heating plant and maintenance personnel, snow removal employees, food service staff, hospital staff, etc.~~