



**TOWN OF SARATOGA DEPARTMENT OF PUBLIC WORKS
ON-CALL/ROUNDS & CALL BACK POLICY**

Revised 11/05/2024

Town Council Adoption _____

Purpose

The purpose of this policy is to provide guidelines to the Director of Public Works regarding the process and procedures to be followed for non-exempt employees who are required to maintain their availability after hours or during days off to perform Round Checks at various Town facilities and/or to be on-call to come back to work or to otherwise be available to respond to emergency situations. This policy is consistent with the provisions of the Fair Labor Standards Act and the Town's Compensation Policy.

Policy and Procedures

A. Definitions

1. On-Call – When an employee's job assignment requires the ability to be contacted in order to provide professional services, if necessary, but not formally on duty.
2. Rounds – When an employee's job assignment requires the employee to report to work to perform various tasks to ensure that the Town facilities remain functioning (e.g. lift station check, kennel clean up)
3. Call-Back - When an employee is called back to work to perform a task of professional services either in person or via phone or computer.
4. A "day" is considered a period of time consisting of twenty four hours starting at 12:00am and ending at 12:00am the following day.

B. Identification and Notification

1. The Director of Public Works should identify positions and employees who are required as a condition of employment to be on-call, to come back to work outside of the employee's regular shift or to conduct rounds checks at various Town facilities.
2. Once The Public Works Director identifies these positions, and if the employees job description has not already conveyed it, the employee should be notified in writing that the essential functions of his or her job requires the employee to maintain an on-call or round status on either an intermittent or regularly scheduled basis. The employee's job description should also be updated accordingly. The supervisor of the employee assigned to on-call or rounds status shall maintain a roster of all qualified employees and an equitable rotation policy shall be followed.

B. On-Call Requirements

The Director of Public Works should provide employees who are required to be on-call with a schedule of the time and date that the employee must be on-call. In addition, the following guidelines apply:

1. Unless otherwise advised, the employee is not required, while on-call, to remain on the Town premises. However, the employee must remain available by telephone or text while off site and respond to any message within (10) minutes.
2. If an emergency requires the employee to return to work, he or she must do so with as much haste as safely possible but no more than (25) minutes after responding to the message.
3. The employee is not required to restrict his or her activities while on-call, but the employee must remain free of the influence of alcohol or illegal drugs. In addition, the employee should not take any prescription drug that adversely affects his or her ability to safely and effectively perform his or her job duties. If an employee has a medical condition and has concerns about complying with this requirement, the employee should consult with the Human Resources Department.
4. If the employee has a conflict and is unable to be on-call during his or her assigned time, it is the employee's obligation to pre-arrange with his or her immediate supervisor for a replacement to cover the employee's on-call shift.
5. On-Call employees who fail to respond when called and/or who fail to find a replacement are subject to disciplinary action up to and including termination.

C. Round Requirements

1. The Director of Public Works and/or supervisors should provide employees who are required to perform rounds with a schedule of the time and date that the employee will perform such duties.
2. Employees performing rounds must remain on Town premises until all rounds are complete.
3. If the employee has a conflict and is unable to perform rounds during his or her assigned time, it is the employee's obligation to pre-arrange with his or her immediate supervisor for a replacement to cover the rounds.
4. Employees who fail to perform rounds when assigned and/or who fail to find a replacement are subject to disciplinary action up to and including termination.

D. On-Call Pay

1. Employees will receive 1 hour of On-Call pay at their regular rate for each 24-hour shift of on-call status. For the purpose of calculating overtime this hour shall be considered actual hours worked.

E. Call Back Pay

1. If an employee is called to come back to work while he or she is on-call, the employee is subject to a minimum of 2-hours of call-back compensation for the on-call shift. This 2-hour of call-back pay counts as time worked for the purpose of calculating overtime and is paid in addition to the 1-hour of on-call pay. If the employee's time worked exceeds the 2-hour call-back minimum, the employee shall receive pay for the actual hours worked.

2. An employee receives a minimum of 2-hours of call-back pay for each time that an employee is called back to work during a 24 hour period (a day), up to a maximum of 12 hours. All additional call backs within that day shall be paid for actual hours worked.
3. Continuing to work on a call back that extends into the next day shall not entitle the employee to a second 2-hours of call back pay.
4. A non-exempt employee who does not return to work but who handles a work-related task by phone or computer will be paid for the actual time worked. Employees must record their time on their time record. For this purpose, the seven (7) minute rule shall apply. The minimum call back pay referenced in section E.1. does not apply to this section.
5. Compensatory Time may be accrued in lieu of pay for Call-Back time worked in accordance with the Town's Overtime Policy.

F. Rounds

1. Streets Department Employees will receive 2 hours of Rounds Pay at their regular rate for each day that they have to perform Rounds at various Town facilities. This 2-hour of Rounds Pay counts as time worked for purposes of calculating overtime and is paid in addition to the 1-hour of on-call pay.
2. Water and Sewer Department Employees will receive 2 hours of Rounds Pay at their regular rate for each day that they have to perform Rounds at various Town facilities. This 3-hour of Rounds Pay counts as time worked for purposes of calculating overtime and is paid in addition to the .5-hour of on-call pay.

Example:

- a. If an employee has already worked 40 hours when he or she is on-call, he or she will receive 1-hour of on-call pay for the 24-hour on-call shift. This 1 hour counts as hours worked for purposes of calculating overtime and is paid at the employee's overtime rate of pay.
- b. In addition, if the employee is called to come back to work and then works for 30 minutes, the employee will receive 2-hours of call-back pay that will be paid at his or her overtime rate. So, in this example, the employee will be paid 40 hours at his or her regular rate and he or she will receive an additional 2-hours of call-back pay that will be paid at the overtime rate as well as 1 hour of on-call pay at the overtime rate.
- c. If, by way of further example, an employee is called to come back to work three times during an 24-hour shift, and if the employee works less than one hour during each of the three call backs, the employee receives 1-hour of on-call pay and 6- hours of call-back pay at the overtime rate (which is a minimum of two hours for each of the three times that the employee was called back to work during the 24 hour shift.)

- d. If the employee is called back three times and works 30 minutes in the first two call backs and then 3 hours in the third call back, the employee will receive 1-hour of on-call pay and an additional 7-hours of call-back pay at the overtime rate (which is a minimum of four hours for the first two call backs and then 3 hours for time actually worked for the third call back.)
- e. Commuting time to work is not counted as hours worked if the employee is on-call and called back to work. Work time begins upon arrival to work and ends upon clocking out and leaving work.