

## DHHS POLICIES AND PROCEDURES

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<b>Section V:</b>	<b>Human Resources</b>
<b>Title:</b>	<b>Classification/Compensation</b>
<b>Chapter:</b>	<b>On-Call, Extended Duty, 24-Hour Duty</b>
<b>Current Effective Date:</b>	<b>10/1/09</b>
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### **Purpose**

The purpose of this policy is to merge the North Carolina Office of State Personnel's (NC OSP) "on-call / emergency call-back" and "employment of medical personnel for extended duty" policies into one (1) policy reference and to clarify work time for round-the-clock duty as it relates to on-call and extended duty. This policy is a supplement to the OSP's [on-call/emergency call-back](#) and [extended duty](#) policies and is designed to be used in conjunction with these state policies for department operations.

### **Policy**

The state provides additional compensation (time off or additional pay), regardless of appointment type, to Fair Labor Standards Act (FLSA) exempt and non-exempt employees who are required to be on-call, who are called back to work (i.e., emergency call-back) and/or who have to perform round-the-clock duty. The state also provides additional straight-time pay up to 20 hours per week for FLSA exempt medical personnel who are required to perform direct care and treatment of patients on evening, night or weekend shifts due to critical staffing shortages.

### **Implementation**

#### 1. Eligibility for On-Call and Emergency Call-Back

The designation of positions/employees for on-call and/or emergency call-back is at the discretion of a division or facility director and is to be coordinated with the respective human resources office for appropriate designation in the state payroll system (BEACON). The designation of positions/employees for on-call and/or emergency call-back shall be done to meet the business and budgetary needs of the operation, include a prior written agreement to the employee and be administered equitably and fairly with consideration of other possible alternatives. The following hourly rates are approved for on-call.

<b>On-Call Rates Per Hour:</b>	<b>Occupations:</b>
.94 cents up to \$5.00	MH/DD/SAS Facility Physicians
.94 cents up to \$3.00	Medical/Health Care Information Technology Skilled Trades
.94 cents up to \$2.00	Accounting/Finance Clerical Office Services Legal and Administrative Management Information and Education Human Services Licensing and Inspection – Public Safety Institutional Services Engineering and Architectural Agricultural and Conservation

*Note: In lieu of hourly on-call pay, one (1) hour of compensatory time may be granted for every eight (8) hours on-call.*

2. Eligibility for Extended Duty

The designation of position classifications eligible for extended duty shall be approved by the NC Department of Health and Human Services (DHHS), Division of Human Resources (HR) with final review and consideration by the OSP. Eligibility for extended duty is at the discretion of management, is based on the availability of funds and is limited to 20 hours per week above the regular work schedule, regardless of appointment type. Management also has the discretion to use compensatory time in lieu of extended duty. Note that the BEACON payroll system uses additional time worked to offset leave liabilities, adverse weather and paid leave (i.e., vacation and sick) before extended duty is actually paid out. Employees in the following mental health, developmental disability, substance abuse and neuro-medical facility occupations are eligible for extended duty pay:

- A. Physicians / Psychiatrists
- B. Physician Extenders / Nurse Practitioners
- C. Pharmacists

3. Emergency Call-Back and Round-the-Clock Duty: FLSA Non-Exempt Employees

A. Emergency Call-Back

Emergency call-back is when an employee has left the work site and is required either to return to work or respond to work via telephone or computer. When a FLSA non-exempt employee is engaged in work under

these conditions the following provisions shall apply:

1. An employee returning to work shall receive a minimum of two (2) hours compensatory time or additional pay at straight-time for each occasion of emergency call-back. Note that actual work time is to be entered into the BEACON payroll system (call back 9516) and the system automatically accounts for the two hours.
2. An employee responding via telephone or computer shall receive a minimum of 30 minutes as compensatory time or additional pay at his/her straight-time rate for each occasion of emergency call-back. If more than one emergency call-back occurs within a given shift, total call-back time cannot exceed two (2) hours. Note that actual work time is to be entered into the BEACON payroll system (remote call back 9511) and the system automatically accounts for the 30 minutes.
3. An employee who works more than two (2) hours emergency call-back or 30 minutes remote call-back shall be compensated for actual time worked.
4. Management shall determine a reasonable time for which preparation and travel to return to the worksite shall be compensated. Agreed upon travel and preparation time to the worksite shall be included in hours worked for determining overtime hours.
5. Shift premium pay, holiday pay and overtime pay shall be received in addition to emergency call-back pay, if applicable. Time on emergency call-back is subtracted from on-call hours.
6. An employee whose emergency call-back work continues into the beginning of his/her regularly scheduled hours of work or continues following the end of his/her regularly scheduled hours of work is not eligible for emergency call-back compensation and is instead compensated for actual hours worked.
7. Emergency call-back compensation must be included in calculating an employee's regular hourly rate for overtime pay.
8. On-call and emergency call-back accrued balances shall be paid upon an employee's separation or transfer to another state agency or university.

B. Less Than 24-Hour Duty and 24 or More Hour Round-the-Clock Duty

As part of client, patient or student activities (i.e., extra-curricula, therapeutic recreation, education, sporting events, etc.) facilities and schools may provide day or overnight trips requiring employee escort and/or care. FLSA establishes two (2) policies regarding sleep time for less than 24-hours and for 24 or more hours of round-the-clock duty.

1. Less Than 24-Hour Duty

When an FLSA non-exempt employee's assignment is less than 24 hours, periods during which an employee is allowed to sleep is considered work time and is subject to overtime pay or time off at time and one-half. This provision shall not apply to a regular, recurring work schedule (i.e., eight (8) hours) or an employee's substitution on other shifts due to staff shortages that are covered by other overtime policies.

2. 24 or More Hour Round-the-Clock Duty

When an FLSA non-exempt employee's assignment is 24 hours or longer, up to eight (8) hours of sleeping time can be excluded from compensable working time if:

- a. A prior written agreement is in place that excludes sleep time when the employee is not engaged in work.
- b. That adequate sleeping facilities are furnished and the employee can enjoy an uninterrupted night's sleep.
- c. At least five (5) hours of uninterrupted sleep are available.

3. If the sleep period is interrupted by a call to duty, the interruption must be counted as time worked. If the sleep period is interrupted so frequently that at least five (5) hours of sleep are not available, then all hours must be counted as work time.

During the sleep period the employee is considered to be on-call and shall receive on-call compensation as outlined above under "Eligibility for On-call and Emergency Call-back."

4. Emergency Call-Back and Round-the-Clock Duty: FLSA Exempt Employees

A. Emergency Call-Back and Extended Duty

FLSA exempt employees are not eligible for emergency call-back compensation with exception to:

1. Additional compensatory time earned as a result of emergency call-back. Management may determine a reasonable time for which preparation and travel to return to the worksite shall be compensated in time.
  2. Additional straight-time hourly compensation for approved positions subject to the extended duty policy.
- B. On-Call and Extended Duty When There is 24-Hour Round-the-Clock Duty

Facilities may require a physician, physician assistant or pharmacist to be on the premises for evening, night and weekend rotations that extend beyond the regularly scheduled work day and/or work week. These schedules are often planned in advance or may occur sporadically as a result of patient/client needs and may range from 24 to 48 consecutive hours over a weekend or 16 consecutive hours after completion of a regularly scheduled workday.

A facility physician, physician assistant or pharmacist scheduled to work a rotating or round-the-clock schedule as described above may receive compensatory time for each hour worked or extended duty pay at straight time when engaged in direct care and treatment of patients. Personal time (i.e., lunch, breaks, etc.) shall not be compensable. Sleep time shall not be compensable when there are adequate sleeping facilities and at least five (5) hours of sleep are available. Personal time, sleep time or other time not engaged in work may be recorded as on-call. Otherwise, time engaged in work may be recorded as compensatory time or extended duty, depending on the facility's practice.

*For questions or clarification on any of the information contained in this policy, please contact [Human Resources](#). For general questions about department-wide policies and procedures, contact the [DHHS Policy Coordinator](#).*