



## Scheduling Work and Overtime Compensation, Policy 6.10 Supplemental Guidelines

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### I. Call-Back Pay

- A. Call-back refers to time worked by employees ordered back to work after their normal shifts are completed. Each full time nonexempt employee who is ordered back to work by the university after the employee's normal work schedule is completed, and who reports for such work, is eligible for call-back pay. Work that was not previously scheduled which is performed from home, is not considered call-back and will be compensated as actual hours worked at the rate of 1½ times the employee's hourly rate.
- B. Those hours worked immediately preceding or directly continuing the employee's regular work schedule shall not be considered for call-back pay.
- C. An employee entitled to call-back pay receives the greater of four hours of regular hourly pay or 1½ times the regular hourly pay for the time actually worked. Call-back hours worked do not count towards the calculation of overtime pay.

### II. On-Call Pay

- A. On call time is time spent by employees, usually off the working premises, in their own pursuits where the employee must remain available to be called back to work on short notice if the need arises. Employees who are associated with labor organizations having agreements with the university should consult their respective labor agreements regarding on-call pay.
- B. An employee in "on-call" status is required to be available by telephone, pager or cell phone during specific, pre-arranged hours, and is to return to work within the timeframe designated by the respective college or vice presidential unit. For example, a unit system support area assigns specific days and hours in which designated employees will respond to unforeseen emergencies outside of their normal work hours.
- C. The more restrictive the on-call requirements the more likely it is that the employee will be entitled to compensation. Pay rates should be determined by the college or vice presidential unit and should take into consideration how limiting the assignment is upon the employee's personal time. Pay rates should increase commensurate with restrictions. Hours spent in on-call status are not considered time worked and therefore do not count toward the calculation of overtime.
- D. In determining if the employee is on-call, consider the following factors:
  - i. Does a written or verbal employment agreement exist? For bargaining unit employees see applicable collective bargaining agreement found at [hr.osu.edu/elr/laborrelations.aspx](http://hr.osu.edu/elr/laborrelations.aspx).
  - ii. Does employee have physical restrictions while on call, i.e., Must remain at fixed location during time off?
  - iii. Is the employee required to respond in less than 30 minutes?
  - iv. What is the frequency of calls during on-call periods, i.e., isolated versus multiple calls?
  - v. Can the time be utilized for personal use?
  - vi. Can the employee be disciplined for failing to answer calls?
- E. College/VP units may design unit-specific on-call pay practices to suit specific business needs. All such practices must be designed in consultation with the Office of Human Resources, Employee and Labor Relations.

### III. Pay for Travel Time for Nonexempt Employees

- A. Compensable Time
  - i. Travel during normal work hours on the employer's behalf.

- ii. Work performed during travel outside the employee's normal work hours, e.g.: the employee is working on a presentation while on a plane.
- iii. Overnight travel that occurs during the employee's normal work hours including the same period on weekends, e.g., if an employee normally works 8 a.m. - 5 p.m. Monday through Friday, overnight travel during those hours, even on weekends, is compensable.
- iv. Overnight travel outside the employee's normal work hours where the employee is driving.
- v. Out of town travel to perform work duties from central office to another site or from site to site.

**B. Non-Compensable Time**

- i. Travel between home and work.
- ii. Travel time outside an employee's normal work hours is generally not compensable, unless the employee is driving the vehicle or performing work during travel.
- iii. Travel time as a passenger outside normal work hours.
- iv. Leisure time outside of normal work hours while out of town on overnight travel, e.g. free time while attending conferences, speaking engagements, etc.

## On-Call Pay Scenarios

These scenarios describe possible approaches to on-call pay rather than recommended practices. College/VP units should develop on-call pay practices in consultation with the Office of Human Resources, Compensation.

### Scenario 1

A nonexempt employee gets called at home very rarely for office emergencies such as an alarm going off. There is no agreement in place regarding this duty, just a general expectation that she is the point person should a problem arise. Factors to consider are:

- No written agreement outlining on-call duty
- No physical restrictions on free time
- Employee needs to respond ASAP when called, but no set time frame is established
- Gets called very infrequently

Compensation: On-call time is not compensated, however, when the employee is required to return to the office to work, she is paid call-back pay rates for time worked. Work performed from home is paid at 1½ times the employee's hourly rate.

### Scenario 2

A nonexempt employee has written notice that his job includes occasional periods of on-call duty. On-call shifts are rotated among employees in the area. The employee is free to pursue personal activities during this time but must be available to return calls and either performs work from home or returns to the workplace when needed. Emergency calls are moderately frequent and the employee is asked to return calls within an hour. Factors to consider are:

- Written agreement outlining on-call duty requirements
- Moderate physical restrictions on free time
- Employee must return calls in a set time frame
- Calls are moderately frequent

Compensation Examples: The employee is paid a nominal hourly amount for every hour on call (e.g., \$1.50/hr., \$1.70/hr.). Other pay options could include paying one hour for every eight hours worked or paying a lump sum for a longer period of on-call time (e.g., \$80/wk., \$100/wk.). When the employee is required to return to the office to work, he is paid call-back pay rates for time worked. Work performed from home is paid at 1½ times the employee's hourly rate. On-call pay ceases when call-back pay begins.

### Scenario 3

A nonexempt employee is required to stay at a fixed location during on-call periods of time. On-call periods are pre-arranged and mandatory. The employee is frequently called during this time and frequently must perform work from home or return to the workplace immediately. Employee must return calls within a specified time period or be subject to corrective action. Factors to consider are:

- Written agreement outlining on-call duty requirements
- Significant physical restrictions on free time (e.g., must remain in fixed location within 10 miles of workplace)
- Employee must return calls in a limited time frame (e.g., 5-10 minutes)
- Calls are very frequent and often require immediate return to work

Compensation Examples: The employee is paid (e.g., \$3/hr., \$3.40/hr.) for hours on call (pay rate increases commensurate with level of restrictions on personal time). Other pay options could include paying two hours for every eight hours worked or paying a lump sum for a longer period of on-call time (e.g., \$120/wk., \$140/wk.). When the employee is required to return to the office to work, she is paid call-back pay rates for time worked. Work performed from home is paid at 1½ times the employee's hourly rate. On-call pay ceases when call-back pay begins.