

Standby on-call and recall for employees in the Administrative Services Unit (ASU), Institutional Services Unit (ISU), Operational Services Unit (OSU), and Division of Military and Naval Affairs (DMNA) represented by CSEA, Inc. as well as the Professional, Scientific and Technical Service Unit (PS&T) represented by PEF.

Standby On-Call

Eligibility

In order to be eligible for standby on-call pay an employee must meet all of the following:

1. Be overtime eligible, a Nurse, or a Nurse Anesthetist.
2. Be available for immediate recall.
 - The employee must be tethered and able to return to duty if required to do so. Accordingly, they must remain within a reasonable distance of their work location.
3. Be prepared to return to duty.
 - The employee must keep themselves in a physical condition that would allow them to return to work and perform work if required to do so.
4. Be on a standby roster approved by the Agency and the Division of Budget.
 - These lists are generated locally and should be furnished to DOB for approval. These lists should be reviewed periodically to ensure they are up-to-date and contain all the employees that could be required to be placed in a standby on-call status should the need arise. These rosters should be equitably rotated.
 - An employee who meets the four criteria above and was placed in standby on-call status will be compensated at the rate of 25% of their daily rate of pay for each eight- hour period or part thereof for which they were placed in the standby on-call status. The negotiated rate for standby on-call is a set amount and employees are entitled to receive that amount even if they are required to remain available for less than an eight- hour period. The negotiated benefit does not provide for the payment to be prorated when an employee is placed on standby on-call for less than an eight-hour period.
 - The direction given to an employee that they are being placed in a standby on-call status as well as the period they will remain in such status should be unambiguous.

Standby pay is not subject to an overtime calculation and is not considered time worked.

Please see the attached job aid to assist in determining an employee's eligibility for standby on-call pay.

Recall

Eligibility

In order to be eligible for recall pay an employee must:

1. Have completed the normal workday and physically left the work location when contacted to come in.
2. Be required to return to the work location in order to perform the additional work.
 - Even if an employee is in a standby on-call status, if an employee is contacted to perform work but not required to return to their work location, the time worked is not eligible for recall compensation. However, the time worked is compensable pursuant to the overtime rules.
3. Be required to work additional time that does not join, coincide, or overlap the normal workday.

If these three criteria are met, the employee is eligible for recall pay and must receive a minimum of a half day's pay, even if they worked less than a half day. The intention of this provision is to compensate an employee for the inconvenience of having to make an additional commute. Overtime worked that does not meet the eligibility for recall is compensated at the regular overtime rate.

An employee scheduled to perform overtime after the completion of their regular work shift will only be appropriately compensated for the hours actually worked since this is not a recall situation.

This applies whether the recall occurs after work on a regular scheduled work day or a pass day. However, different provisions apply when a state holiday is involved:

- An employee recalled to work on a day observed by the State as a holiday which is not a regularly scheduled day off does not receive the minimum recall credit if the recall overlaps or joins the employee's normal work day. Instead, the employee receives holiday pay (paid at the straight time rate) for those hours worked which coincide with the normal work day and overtime for hours worked beyond the normal work day.
- An employee recalled to work on a day observed by the State as a holiday which is a regularly scheduled pass day will receive a minimum one-half day's pay compensated at the overtime rate plus compensatory time off for those hours actually worked.

An employee need not be on standby on-call to qualify for recall pay.

Recall is considered time worked and subject to an overtime calculation as follows:

- 40 hour per week employee: If an employee has worked 40 hours and is then recalled, the recall pay will be paid at the overtime rate.
- 37.5 hour per week employee: If an employee has worked 37.5 hours and is then recalled, the first 2.5 hours is credited as overtime compensatory time and the remaining time will be paid at the overtime rate.

Please see the attached job aid to assist in determining an employee's eligibility for recall compensation.

Examples of Standby On-Call and Recall

Eight hours of standby on-call on a pass day

An employee is placed on standby on-call from 10:00 a.m. to 6:00 p.m. on a pass day. The employee was never recalled to work. The employee is entitled to 25% of their daily rate of pay for one 8-hour block of standby on-call.

Less than eight hours of standby on-call on a pass day

An employee is placed on standby on-call on a pass day for five hours from 10:00 a.m. to 3:00 p.m. The employee was never recalled to work. The employee is entitled to 25% of their daily rate of pay for one 8-hour block of standby on-call. No proration is allowed.

More than eight hours of standby on-call on a pass day

An employee is placed on standby on-call for ten hours on a pass day from 10:00 a.m. to 8:00 p.m. The employee was never recalled to work. The employee was therefore in such a status for ten hours accounting for (2) two eight-hour blocks, one full and one partial eight-hour block. The employee is entitled to 50% of their daily rate of pay for the (2) eight-hour blocks of standby on-call. Even though the second block was not a full eight hours, the employee is still eligible for 25% of their daily rate of pay for any eight-hour block or part thereof, without proration.

Eight hours of standby on-call on a pass day with recall – 40 hour per week employee

An employee's regular shift is eight hours per day Monday through Friday. Prior to leaving their shift on Friday, the employee is placed on standby on-call on Saturday from 10:00 a.m. to 6:00 p.m. The employee is recalled to work on Saturday from 11:00 a.m. to 2:00 p.m. This employee would be entitled to 25% of their daily pay for the time they were in a standby on-call status. The employee is also entitled to four hours of recall pay (because they were recalled to duty for less than half a day), paid at the overtime rate.

Eight hours of standby on-call on a pass day with recall – 37.5 hour per week employee

An employee's regular shift is 7.5 hours per day Monday through Friday. Prior to leaving their shift on Friday, the employee is placed on standby on-call on Saturday from 10:00 a.m. to 6:00 p.m. The employee is recalled to work on Saturday from 11:00 a.m. to 2:00 p.m. This employee would be entitled to 25% of their daily pay for the time they were in a standby on-call status. The employee is also entitled to 3.75 hours of recall pay (because they were recalled to duty for less than half a day). Since the employee is a 37.5 hour per week employee, 2.5 of the 3.75 hours would be credited as overtime compensatory time and 1.25 hours would be paid at the overtime rate.

Less than eight hours of standby on-call on a pass day with recall

An employee's regular shift is eight hours per day Monday through Friday. Prior to leaving their shift on Friday, the employee is placed on standby on-call on Saturday from 10:00 a.m. to 3:00 p.m. The employee was recalled from 10:30 a.m. through 3:00 p.m. This employee would be entitled to 25% of their daily rate for the time they were in a standby on-call status. The employee is also entitled to 4.5 hours of overtime pay for the time they were required to work. Since the employee worked more than a half day, they are compensated for their actual hours worked.

Recall: Employee hasn't left workplace

An employee's normal shift is from 9:00 a.m. to 5:00 p.m. On a regular workday, after the employee's shift has ended, but before they leave the workplace, the employee is ordered to perform additional work until 7:00 p.m. The employee is to be appropriately compensated for the two hours worked, but is not eligible for recall pay because they never physically left the work place.

Recall: Employee called in early

An employee's normal shift is 9:00 a.m. to 5:00 p.m. On a regular workday, the employee is called at 4:00 a.m. to work overtime beginning at 6:00 a.m. until 9:00 a.m.

The employee is to be appropriately compensated for the three hours worked, but is ineligible for recall pay because the additional time worked is contiguous to their regular shift.

Recall: Employee not required to return to workplace to perform duties

An employee is contacted at home and required to perform additional work. This task is completed in one hour without the employee having to return to the workplace. The employee is to be appropriately compensated for the additional hour worked, but is not eligible for recall pay because they did not incur the inconvenience of an additional commute.

Recall for Part-time Employees

An employee's normal schedule is 7.5 hours per day, four days per week. In one week, on a pass day the employee is recalled to work two hours, on the second pass day they are recalled to work seven hours and on the third pass day they are recalled to work another two hours. In addition to their regular 30 hours per week, the employee is eligible for 3.75 hours of recall for working on the first pass day, seven hours on the second pass day and 3.75 hours on the third pass day for a total of 14.5 additional hours. This employee would have 7.5 hours paid at the straight time rate, 2.5 hours credited as overtime compensatory time, and 4.5 hours paid at the overtime rate.

More Than One Instance of Recall in a Day

An employee is called in to work three hours on a Saturday morning (their regular day off). They are released at the end of the three hours and again recalled to work for an additional hour Saturday afternoon. The employee should be appropriately compensated for a full-day's pay (two times the minimum of one-half day's pay).

Scheduled Work

An employee's regular schedule is Monday through Friday 4:00 p.m. to midnight. During the employee's regular workday, the employee is scheduled for a training the following week on Wednesday from 9:30 a.m. to 11:00 a.m. The employee attends the training and is appropriately compensated for the 1.5 hours actually worked. Since the time was scheduled, the time worked is not subject to recall compensation.

Collective Bargaining Agreement Citations

Standby On-Call

The CSEA Agreements provide¹:

Employees who are required to be available for immediate recall and who must be prepared to return to duty within a limited period of time shall be listed on standby on-

call assignment rosters. Assignments to such rosters shall be equitably rotated, insofar as it is possible to do so, among those employees qualified and normally required to perform the duties. The establishment of such rosters at a facility shall be subject to the approval of the department or agency involved and the Director of the Budget.

An employee who is eligible to earn overtime shall not be required to remain available for recall unless the employee's name appears on an approved recall roster. An employee shall be paid an amount equal to 25 percent of the employee's daily rate of compensation for each eight hours or part thereof the employee is actually scheduled to remain and remains available for recall pursuant to such roster. An employee who is actually recalled to work will receive appropriate overtime or recall compensation as provided by law.

Administration of such payments shall be in accordance with rates established by the Director of the Budget. The daily rate of compensation shall be at the rate of one-tenth of the bi-weekly rate of compensation and will include geographic, locational, inconvenience shift pay as may be appropriate to the place or hours normally worked. Only employees eligible for on-call premium pay will be required to be on call.

The PEF Agreement provides:

31.1(a) Nurses and nurse anesthetists who are required to be available for immediate recall and who must be prepared to return to duty within a limited period of time shall be listed on standby on-call assignment rosters. Recall assignments from such rosters shall be equitably rotated, insofar as it is possible to do so, among those employees qualified and normally required to perform the duties. The establishment of such rosters at a facility shall be subject to the approval of the department or agency involved and the Director of the Budget.

(b) All employees in positions allocated to or equated with grades 22 and below who are required to be available for immediate recall and who must be prepared to return to duty within a limited period of time shall be listed on standby on-call assignment rosters. Recall assignments from such rosters shall be equitably rotated, insofar as it is possible to do so, among those employees qualified and normally required to perform the duties. The establishment of such rosters at a facility shall be subject to the approval of the department or agency involved and the Director of the Budget.

31.2 The State shall provide an amount equal to 25 percent of the daily rate of compensation payable to employees in the titles in Section 31.1 of this Article which will be paid to such employees who are eligible to earn overtime for each eight hours or part thereof that the employees are actually scheduled to remain and do remain available for recall pursuant to such roster. In the event the employees are actually recalled to work, they will receive appropriate overtime or recall compensation as provided by law. Standby on-call payments pursuant to this Article shall be paid biweekly. Administration of such payments shall be at the rate of 1/10 of the biweekly rate of compensation and will include the geographic, location, inconvenience and shift pay as may be appropriate to the place or hours normally worked.

31.3 Employees who are recalled to work from a standby roster shall not be assigned "make-work" during such recall.

Recall

The CSEA Agreements provide: ASU,

ISU, OSU

7.14(a) Except as otherwise hereinafter specifically provided, the present recall pay program will be continued. There shall be no assignment of routine or non-emergency duties or other "make-work" in order to avoid the payment of recall pay.

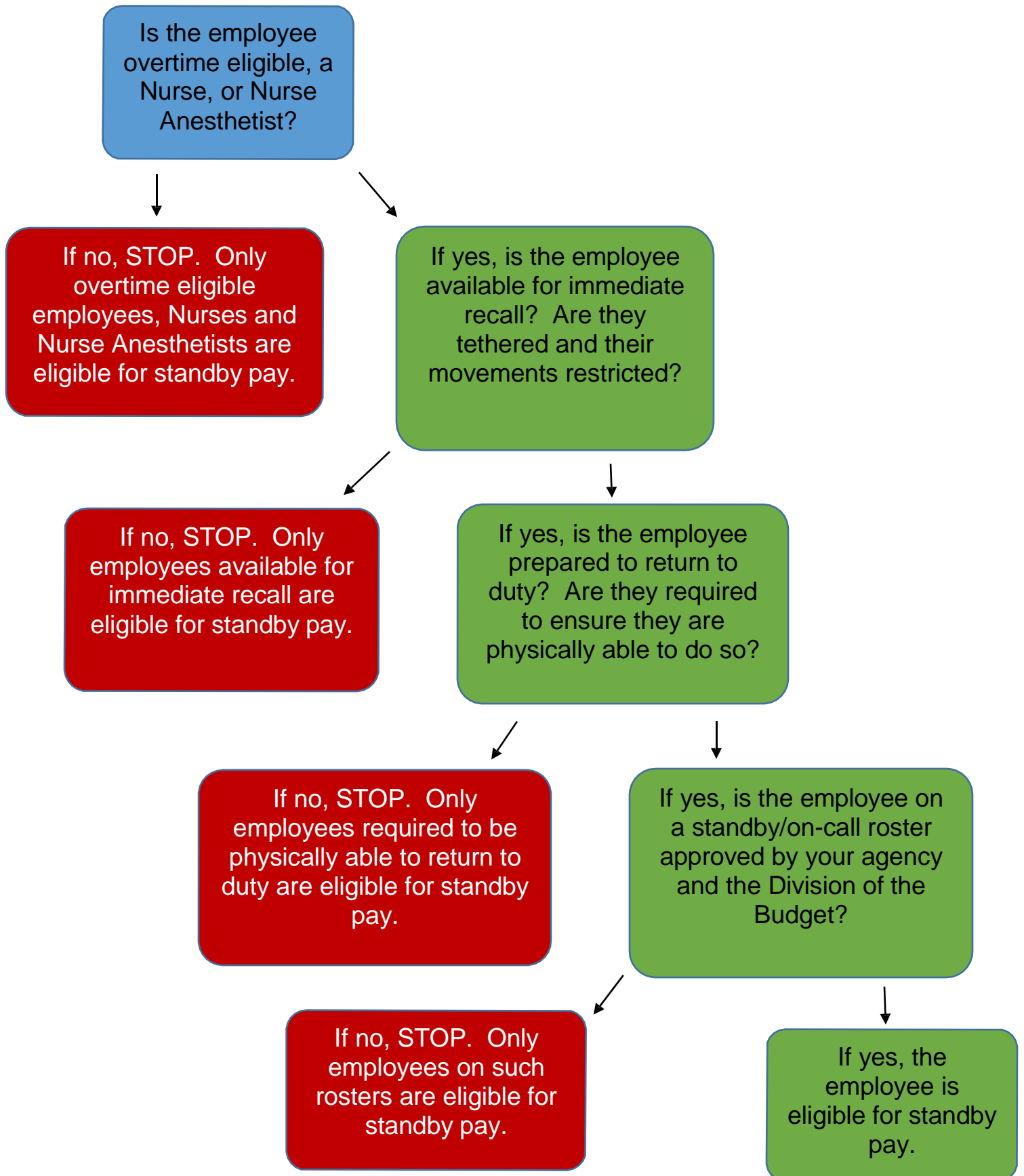
DMNA

19.2 An employee who is recalled to work unscheduled overtime after having completed his/her scheduled work period and left his/her scheduled work station shall be guaranteed a minimum of one-half day's overtime compensation.

The PEF Agreement provides:

7.11(a) Except as otherwise hereinafter specifically provided, the present recall pay and inconvenience pay and locational compensation programs will be continued.

Eligibility for Standby Pay Job Aid



Recall vs. Overtime Job Aid

