



**STATE OF MONTANA  
DEPARTMENT OF CORRECTIONS  
POLICY DIRECTIVE**

Policy No. DOC 1.3.29	Subject: <b>ON-CALL STATUS FOR EXEMPT AND NONEXEMPT EMPLOYEES</b>	
Chapter 1: ADMINISTRATION AND MANAGEMENT	Page 1 of 3	
Section 3: Human Resources	Effective Date: Oct. 5, 1992	
Signature: /s/ Mike Batista, Director	Revised: 01/07/2015	

## **I. POLICY**

The Montana Department of Corrections compensates employees required to remain available outside normal duty hours in a manner consistent with the degree of restriction imposed on the employee's free time and applicable statute and policy.

## **II. APPLICABILITY**

All department divisions, facilities, and programs; except division administrators or wardens, Montana State Prison physicians and positions which provide an enhanced salary for on-call responsibilities based on the nature of the position.

## **III. DEFINITIONS**

On-Call Leave – Established by the Department to compensate employees assigned to be available for calls to return to duty. The benefit is not cash compensation nor is it a benefit established by law, statute, or Montana Operations Manual.

On Call – An employee is designated as “on call” when officially notified by employer of an expectation that the employee will remain available outside regular duty hours for a specified window of time to be called back to duty, and is required at minimum to:

- a. carry a cell phone, radio or provide other reliable means of contact which will ensure their prompt availability in the case of a call back to the workplace or to other duty assignment;
- b. remain within a range of their regular duty station such that they will be able to present themselves at their duty station in less than 1 hour of notice to respond; and/or
- c. refrain from the consumption of alcohol and other substances, prescribed or un-prescribed, that may interfere with alertness or the performance of their normal duties.

## **IV. DEPARTMENT DIRECTIVES**

### **A. Accruing On-Call Leave**

1. Employees shall not be assigned to on-call service unless such service is deemed critical and essential to the mission of the Department.
2. When an employee is assigned to on-call service, the Department shall provide a radio or cellular phone for the employee's use.
3. On-call leave is accrued in the method described below:

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- a. on a scheduled work day an employee in on-call status shall be credited with one (1) hour of on-call leave for each day of on-call service, regardless of whether time was worked;
  - b. on an employee's regular day(s) off an employee in on-call status shall be credited with two (2) hours of on-call leave for each day of on-call service, regardless of whether time was worked;
  - c. on a legal holiday as provided in [1-1-216, MCA](#), an employee in on-call status shall be credited with two (2) hours of on-call leave for each day, regardless of whether time was worked;
  - d. time accrued for on-call status is not considered hours worked for purposes of overtime accrual; and
  - e. on-call leave accrual may not exceed 120 hours; on-call leave submitted once the maximum allowance is reached may not be approved by supervisors until the balance is below 120.
4. Additional provisions for on-call leave granted to nonexempt employees:
- a. when an employee reports to work due to a call-out, compensation at the overtime rate of pay, or by FLSA compensatory time, shall be administered for hours worked over 40 hours in the work week;
  - b. compensation begins at the clocked time the employee signs in on the premises;
  - c. hours worked may be offset within the workweek and overtime pay shall not be paid until total hours worked exceed 40 within the workweek; and
  - d. minimum compensation for call-out shall be one (1) hour.
5. Additional provisions for on-call leave granted to exempt employees:
- a. an exempt employee must be assigned call-out responsibilities for a minimum of eight (8) hours to be eligible for compensatory time; lesser periods of time may be compensated when agency needs justify and with the approval of an administrator or authorization of a supervisor;
  - b. time actually worked via call-out to work shall be compensated by hour-for-hour compensatory time for hours worked exceeding 40 hours within the workweek;
  - c. call-out service begins upon reporting to the employer's premises for service; and
  - d. minimum compensation for call-out shall be one (1) hour.

**B. Administration of On-Call Leave**

1. On-call leave shall be submitted bi-weekly with the established payroll reporting process. Payroll Code "OCLCE" shall be used to accrue on-call leave hours and "OCLCT" shall be used when taking on-call leave.
2. Employees must request to use on-call leave using the procedure established by their supervisor. Approval or denial of leave is based on agency and employee interests. Management reserves the right to deny the request based on agency need.
3. The Department encourages employees to make timely requests to use and to manage their accrued on-call leave closely.
4. On-call leave must be used before separating from the agency, as it may not be paid out in a lump sum upon resignation.

**V. CLOSING**

Provisions of this policy shall be followed unless they conflict with negotiated labor contracts which shall take precedence to the extent applicable.

Questions concerning this policy may be directed to the Office of Human Resources.

**VI. REFERENCES**

A. *1-1-216, MCA*

**VII. ATTACHMENTS**

None.