



POLICY DIRECTIVE

Policy:	DOC 1.3.29 ON-CALL STATUS FOR EXEMPT AND NONEXEMPT EMPLOYEES
Effective Date:	10/05/1992 Page 1 of 2
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Signature/Title:	/s/ Eric Strauss, Director

I. POLICY

The Department 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 policies.

II. APPLICABILITY

All department divisions, facilities, and programs, except Division Chiefs or Wardens, Montana State Prison physicians, and positions that provide an enhanced salary for on-call responsibilities based on the nature of the position.

III. DEFINITIONS (see Glossary)

IV. REQUIREMENTS

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 mobile device for the employee's use.
3. On-call leave is accrued by the method described below:
 - a. on a scheduled workday, an employee in on-call status shall be credited with 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 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 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 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 8 hours to be eligible for compensatory time; lesser periods of time may be compensated when agency needs justify a lesser period of time and with the approval of an administrator or authorization of a supervisor;
 - b. time actually worked through 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 1 hour.

B. Administration of On-Call Leave

1. On-call leave shall be submitted bi-weekly through 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 process established by their supervisor.
 - a. Approval or denial of on-call leave is based on agency and employee interests.
 - b. 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 about this policy may be directed to Human Resources.

VI. REFERENCES

- A. 1-1-216, MCA