

# Montana State Library Procedures

## On-Call Reimbursement and Call-Out Policy

### Purpose

Because the online services offered by the Montana State Library (MSL) are publicly accessible and used by patrons seven days per week it is necessary to support these services 7 days per week to the extent that staffing and budget resources allow.

### Policy

MSL recognizes the constraints placed on employees who are required to respond to system problems either in an on-call status or when an employee is called-out after their regular scheduled work hours to accommodate the employer. MSL employees who are exempt from the Fair Labor Standards Act (FLSA) and employees who are covered under FLSA are eligible to receive on-call reimbursement and call-out reimbursement for system and production recovery.

### Definitions

**"ON-CALL"** means a period of time outside an employee's normal work hours in which that employee **is scheduled** by a supervisor for on-call. The employee must be reachable outside normal work hours and available to respond to emergency system problems within 20 minutes of notification.

**"CALL-OUT"** means a period of time when an employee **is called-out** on his/her regularly scheduled days off; on a holiday; or after the employee's regularly scheduled work hours to respond to and resolve emergency system problems.

### On-Call Hours

Work week support is offered from 8:00 a.m. to 5:00 p.m. Monday through Friday. Support is provided by MSL IT staff on a rotational on-call basis from 8:00 a.m. to 5:00 p.m. on Saturdays, Sundays and state holidays as defined in MCA 1-1-216.

### Reimbursement

#### On-call – MSL IT staff

Period	Compensation
8 AM Saturday – 5 PM Saturday	2 hours
8 AM Sunday – 5 PM Sunday	2 hours
8 AM – 5 PM on State Holidays	2 hours

Employees in a scheduled on-call status shall receive the hours reflected in the table, reimbursed at the regular hourly rate of pay or with on-call compensatory time, for anytime when they are on-call. This reimbursement will be in addition to any call-out hours worked.

### Call out

Any full-time employee placed in a call-out status shall receive reimbursement for the actual hours worked. Compensation for hours worked during call out shall be treated as any other hours worked by the employee.

For employees who complete their regularly scheduled work week without using annual leave or leave without pay, on-call and call out hours earned will be added to their time total for the week. **The employee's Fair Labor Standards Act (FLSA) status has no bearing on on-call compensatory time.**

Employees are encouraged to utilize the on call and call out hours as flex time to maintain a total work week of 40 hours. If approved by a supervisor, an employee who is on call and/or called out for work may complete his/her regularly scheduled work week, resulting in compensatory time for the on call and/or call-out hours. Compensatory time for hours worked during call-out will be earned at the employee's designated rate based on his FLSA status.

Employees who do not complete their regularly scheduled work week may utilize on-call hours earned during that period (as well as any previously accrued comp time) to reduce annual leave hours or leave without pay hours taken during the period.

### **Flex time vs. Comp time**

Employees should maintain a balance of no more than 40 hours of comp time. To minimize this balance, employees will be encouraged to use flex time during the pay periods they are on-call.

### **Examples:**

1. Weekend On-Call. An employee is required to be on-call from 8 a.m. to 5 p.m. both Saturday and Sunday. This on-call will span two 9-hour periods. **The employee is not called in to work.** The employee is eligible for four hours of on-call which will be reimbursed at either their regular rate of pay or compensatory time.
2. Weekend On-Call/Call-Out (**EMPLOYEE SUBJECT TO FLSA**). An employee is required to be on-call from 8 a.m. to 5 p.m. both Saturday and Sunday. The employee is also called out for two (2) hours of systems recovery. The employee is eligible for four hours of on-call which will be reimbursed at either their regular rate of pay or on-call compensatory time.

In addition, the employee is eligible for two (2) hours of call-out which will be reimbursed at the accrual of Non Exempt Compensatory Time which will be reimbursed at one and one-half times the hours worked, **depending if the employee also works his or her normal 40-hour week.**

3. Weekend On-Call/Call-Out (**EMPLOYEE EXEMPT FROM FLSA**). An employee is required to be on-call from 8 a.m. to 5 p.m. both Saturday and Sunday. The employee is also called in for two hours (2) of system recovery. The employee is eligible for four hours of on-call reimbursement which will be reimbursed at either their regular rate of pay or the on-call compensatory time.

In addition, the employee is eligible for 2 hours of call-out, which will be reimbursed by the accrual of 2 hours of Exempt Compensatory Time (if the employee also works his or her normal 40-hour week).

### **Supervisory Approval**

The employee's supervisor must approve all on-call schedules prior to the on-call period and the method of reimbursement.

### **Employees' Responsibilities**

Employees who are placed in an on-call status are not required to remain on the Employer's premises nor in a specific location and are free to engage in pursuits of their own choosing. However, **while in an on-call status, the employee shall be required to carry a cellular phone and employee will respond within a 20 minute response time.**

System responses must be documented for internal tracking and evaluation.

### **Restrictions**

An employee contacted as a result of a system problem requiring response will notify his/her supervisor by the end of the first working day after the response. The employee will also be responsible for noting the call-out situation on their time sheet so appropriate reimbursement can be made.

Frequent system call-outs without pre-approved on-call duty should be discussed with the employee's supervisor to determine whether or not an on-call schedule should be established.

**Closing**

This policy shall be followed unless it conflicts with negotiated labor contracts or specific statutes, which shall take precedence to the extent applicable.

If you should have any questions regarding this policy, please contact your immediate supervisor or Central Services.

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