



On-Call/Stand by Policy



Purpose

This policy outlines the company's guidelines for employees who are required to be on-call or on standby for work in accordance with California law. It details when and how on-call time is compensated, as well as the expectations for employees during such periods.

Definitions

On-Call: The period when an employee must be available to report to work if called, but they are not actively engaged in work-related duties. During this time, the employee is free to use their time as they choose but must be reachable and ready to work if needed.

Standby: A more restrictive form of on-call time where an employee must remain available at a specific location (e.g., at home or near the workplace) and may have significant restrictions on their time, limiting their ability to engage in personal activities.

On-Call Time Compensation

- **Compensation for On-Call Time:** In California, on-call time is compensable if the employee is so restricted by the on-call requirements that they cannot effectively use the time for their own purposes. If the employee is free to use their time and only required to respond within a reasonable time frame, this time may not be compensable.
 - **Free to Use Time:** If an employee is free to engage in personal activities while on-call and is not severely restricted by the company (e.g., allowed to leave home, free to conduct personal business), the time is generally not compensable.
 - **Restricted Time:** If the employee is required to stay in a specific location, refrain from personal activities, or is heavily restricted, that time will be considered compensable under California law.
- **Standby Time Compensation:** If an employee is placed on standby and must remain at a specific location (e.g., home or workplace), and their freedom is significantly restricted, that time is considered compensable and must be paid at the employee's regular rate of pay.

Call-Out Compensation

- **Reporting to Work:** If an employee is called into work while on-call or on standby, they will be compensated for the time spent working. The employee will be paid for all hours worked, including travel time, in accordance with California wage and hour laws.
- **Minimum Hours:** Employees who are called in to work from an on-call or standby status are guaranteed at least two hours of pay, even if the time spent working is less than two hours, as per California's minimum pay requirements for call-out work.
- **Overtime Pay:** If an employee is called to work outside of their normal shift, any time that exceeds their standard 8-hour workday or 40-hour workweek will be compensated at the applicable overtime rates.

On-Call/Standby Expectations

- **Availability:** Employees on-call or on standby are expected to be reachable via phone or other communication devices provided by the company. They must respond to any calls or requests for work within a reasonable timeframe as defined by their supervisor or department.
- **Preparedness:** Employees on-call or on standby must be prepared to report to the workplace or another designated location within a reasonable time, if called.
- **Restrictions on Personal Time:** If an employee is significantly restricted during standby periods (e.g., unable to leave a certain distance from work, required to refrain from certain personal activities), this time will be compensable, as it limits the employee's ability to use the time freely.

Compensation for On-Call/Standby Time

- **Non-Compensable On-Call Time:** If an employee is free to engage in personal activities and only required to respond to a call within a reasonable time, the on-call time is not compensated.

- **Compensable Standby Time:** When an employee's activities are restricted to the point that they cannot effectively use the time for their own benefit, the standby time is compensable.
- **Call-In Pay:** If called into work, employees will be paid for all time worked, including any necessary travel, at their regular rate of pay or overtime if applicable.

Scheduling and Notice

- **Scheduling On-Call/Standby Shifts:** Supervisors will provide reasonable notice when scheduling on-call or standby shifts. Employees will be notified in advance of the hours they are expected to be available. Employees who have conflicts with scheduled on-call or standby shifts must notify their supervisor as soon as possible.
- **Cancellation of On-Call/Standby Shifts:** If an on-call or standby shift is canceled, employees will be notified promptly. Employees who were restricted during canceled shifts may be eligible for compensation based on the restrictions placed on their time during the on-call period.

Record-Keeping and Documentation

- **Tracking On-Call/Standby Hours:** Employees are responsible for accurately tracking and reporting their on-call, standby, and call-in hours in the company's timekeeping system.
- **Supervisor Responsibilities:** Supervisors are responsible for ensuring that any compensable on-call or standby time is properly documented and that employees are compensated in accordance with California law.

Compliance with California Law

This policy complies with California's wage and hour laws, including the California Labor Code and applicable Wage Orders, which govern compensable on-call and standby time. The company is committed to paying employees for all time worked and will review on-call policies periodically to ensure compliance.

Exceptions and Modifications

The company reserves the right to modify or amend this policy as needed to ensure compliance with state laws and to reflect changes in the operational needs of the company.