

**Idaho Division of Human Resources**  
Executive Branch Statewide Policy  
Section 12: On-Call

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### **12A. General Information**

The purpose of this policy is to establish the parameters for agencies who require employees to be available in an on-call status during hours that are outside of their normally defined work schedule<sup>1</sup>.

This policy only applies to non-exempt covered employees and administrative, professional, and computer exempt employees as defined by the Fair Labor Standards Act (FLSA)<sup>2</sup>.

### **12B. Definitions**

On-Call: An employee who is designated to be available if called upon by their agency during hours that are outside of their normally defined work schedule.

Called Back: An unscheduled request made by an agency designee that requires an employee to return to work due to unforeseen or emergency situations after the employee has left the official work location. Agencies shall establish reasonable maximum response times.

Official Work Location: The assigned physical office location. Usually, employees who are required to be at their official work location are working rather than on-call. In some cases, the official work location may be the employee's residence. If an employee is telecommuting or lives at their official work location, on-call hours would be outside of their normally defined work schedule as determined by the agency.

On-Call Shift: A scheduled on-call shift may occur on a weekday (Monday through Friday), on a weekend (Saturday through Sunday), or on a paid state holiday, outside of the employee's normally defined work schedule.

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<sup>1</sup> Outside normally defined work schedule is identified as time worked after an employee has left the work location (excluding telecommuters or those who live at their official work location), at the end of an employee's regular shift, and before the beginning of their next regularly scheduled shift.

<sup>2</sup> For definitions of these designations see the Department of Labor's [Fact Sheet #17A](#).

## 12C. On-Call Expectations

Employees designated to be on-call by his/her agency must comply with the agency's on-call policy, if applicable. An agency policy *may* include:

1. Carry an agency approved communication device agreed upon between the employee and the agency;
2. Respond to calls within the time frame required by the agency;
3. Be available to work when called upon;
4. Be confined to a limited geographical area while on-call, unless authorized by the agency otherwise;
5. Remain in a condition fit for duty, free from impairment while on-call.

## 12D. On-Call Accruals<sup>3</sup>

On-call employees will accrue time for each on-call shift worked as follows. Each agency must define what constitutes an "on-call shift" and should take into consideration the likelihood of an employee being called back in.

Each designated on-call shift will accrue a minimum of two (2) hours of on-call earned (OCE).<sup>4</sup>

Paid on-call hours, and accruals of overtime, sick time, vacation time, or credited state service hours, will follow applicable statutes and State Controller's Office (SCO) policies and processes.

## 12E. Actual Time Worked

An employee who is called back by the agency to respond to an emergency work situation, or who needs to report to work, would cease to accrue on-call hours and will instead be paid for the actual time worked (ACT) as determined by their FLSA status. On-call employees who are required to work during an on-call shift will code the actual hours worked.

If the actual time worked is less than the minimum number of required on-call hours (2), employees should still receive the minimum number even if that time is a combination of actual work time and on-call time<sup>5</sup>.

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<sup>3</sup> For more information regarding leave accruals, visit the [State Controllers' Earnings Codes \(ERN\) and Leave Accruals](#) webpage.

<sup>4</sup> Applicable time codes are found [here](#).

<sup>5</sup> Examples: 1-hour OCE and 1-hour ACT; 2 hours OCE, 2 hours ACT.

## 12F. Payout of On-Call Hours

An agency will pay out FLSA covered/non-exempt employee on-call hours earned during any one-half (1/2) fiscal year but not taken by the end of the succeeding one-half (1/2) fiscal year, in cash, on the first payroll following the close of such succeeding one-half (1/2) fiscal year; **and**

1. On-call accrued balances will be paid out when a covered/non-exempt employee leaves employment at a state agency or transfers to another state agency; **or**
2. The agency may require an employee to use any accrued on-call balances to avoid a budgetary impact of a payout, **or**
3. The agency may elect to pay out FLSA covered/non-exempt employee hours earned prior to the required payout events identified in #1 and #2 above.
4. Professional, Administrative, and Computer Exempt employees are ineligible to be paid out for any accrued on-call hours and will forfeit on-call hours when leaving state employment or transferring to another state agency.