

**Policy 1336
On-Call Status and Compensation**

**Date of Current Revision: June 2022
Responsible Officer: Director of Human Resources**

1. PURPOSE

To establish a consistent procedure to identify and compensate classified employees who are required by the university to respond to emergency or essential work situations related to their official duties and responsibilities.

2. AUTHORITY

The Board of Visitors has been authorized by the Commonwealth of Virginia to govern James Madison University. See Code of Virginia § 23.1-1600; § 23.1-1301. The board has delegated the authority to manage the university to the president.

STATE OR FEDERAL STATUTE AND /OR REGULATION

Fair Labor Standards Act (29 U.S.C. 201, et seq.).

3. DEFINITIONS

Call-Back Status

When a classified employee is called back to work in response to emergency or essential work situations directly related to the employee's official duties and responsibilities.

Essential Work

Work that is deemed by a department to be critical enough to justify the employee's extended availability beyond the normal work schedule.

Exempt Employee

An employee who is exempt from the overtime provisions of the Fair Labor Standards Act and is therefore not eligible to receive overtime pay for hours worked in excess of 40 in a workweek.

Non-Exempt Employee

An employee who is not exempt from the overtime provisions of the Fair Labor Standards Act and therefore must be paid at a rate of one and one-half times the employee's regular rate of pay for hours worked in excess of 40 in a workweek.

On-Call Status

A classified employee who is required by their supervisor/department to be available to respond to emergency or essential work situations related to the employee's official duties and responsibilities.

4. APPLICABILITY

This policy applies to all non-exempt classified employees working in positions subject to being called back to work to respond to emergency or essential work situations related to the employee's official duties and responsibilities.

5. POLICY

The university maintains specific requirements and procedures related to compensation for positions that require on-call status.

6. PROCEDURES

6.1 Restricted On-Call Status

A non-exempt employee is considered in restricted on-call status when the employee is required to be readily accessible or to remain at a certain location, and the way they use their personal or non-duty time is limited while on-call. Restricted on-call hours are to be counted as hours worked and compensated accordingly.

6.2 Unrestricted On-Call Status

A non-exempt employee is considered in unrestricted on-call status when the employee is free to spend their personal or non-duty time as the employee chooses. If an employee only has to leave word as to how the employee can be contacted or carry a cell phone, the employee is considered unrestricted and therefore not entitled to compensation.

6.3 Call-Back Pay

A non-exempt employee who is called back to work shall be compensated for the hours actually worked or three hours, whichever is more, and in compliance with the Fair Labor Standards Act. Travel time to and from the work site is not considered hours worked.

7. RESPONSIBILITIES

Supervisors of classified employees in an on-call status are responsible for strict adherence to this policy and ensuring their employees are informed of their on-call status and responsibilities.

Directors of departments with employees in on-call status are responsible for regularly monitoring department practices to ensure compliance with this policy.

All departments, offices and employees that generate, receive or maintain public records under the terms of this policy are also responsible for compliance with Policy [1109](#) - Records Management.

8. SANCTIONS

Sanctions will be commensurate with the severity and/or frequency of the offense and may include termination of employment.

9. EXCLUSIONS

Exempt employees who are on-call or called back to work are not compensated for hours worked nor granted compensatory time.

10. INTERPRETATION

The authority to interpret this policy rests with the president, and is generally delegated to the director of human resources.

Previous version: February 2011

Approved by the president: November 2002