

Section 603 Call-In Time

Call-in time will be paid at 1.5 times their regular rate of pay, except if any call-in time duplicates those hours used for calculating overtime pay, or except if they are worked on a holiday. If calculations for overtime are different than those for call-in time, the employee will be paid the larger of the two calculations.

Comment [nbt1]: This sentence and example 3 are contradicting each other

Comment [nbt2]: This sentence and example 3 are contradicting each other

Example 1: Defining Call-In time:

The normal work day is from 7:00 a.m. to 3:30 p.m.

An employee is called in to work at 4:00 a.m. and works until 6:00 a.m.(2 hrs)

The 2 hours from 4:00 to 6:00 is call-in time.

Or if the employee works a normal work day and is called in to work from 7:00 p.m. to 9:00 p.m., the time from 7:00 to 9:00 is call-in time.

Comment [nbt3]: Perhaps mention that normal work day hours may vary seasonally

Call-in Time that abuts the normal work day hours:

Example 2: Call-In time, with NO overtime worked and NO duplicated call-in hours (although required by the personnel policy, this example has **no meal break**):

The normal work day is from 7:00 a.m. to 3:00 p.m.

An employee is called in to work at 4:00 a.m. and works until 12:00 noon (8 hrs)

The 3 hours from 4:00 to 7:00 are call-in time paid at 1.5 the normal rate of pay.

The 5 hours from 7:00 to noon are paid at the regular rate of pay.

The rate of regular pay is \$20/hr.

The employee is paid:

- 4:00am to 7:00am is 3 hours of call-in pay at 1.5 times the regular rate of pay
- 7:00 to noon is 5 hours of pay at the regular rate of pay.
- $Pay=(3 \times \$30)+(5 \times \$20) = \$190$

In this case the 3 hours of call-in pay are not duplicating hours paid as overtime. The employee would be paid \$190.

Example 3: Call-In time WITH overtime worked and call-in time (no meal break for this example):

The employee works from 4:00 a.m. to 4:00 p.m. for a total of 12 hours at the request of the Department Head.

The employee is paid:

- 4:00am to 7:00am is 3 hours of call-in pay at 1.5 times regular pay
- 7:00am to noon is 5 hrs. at regular pay rate
- 12 noon to 4pm is 4 hrs. overtime
- $Pay= (3 \times \$30) + (5 \times \$20) + (4 \times \$30) = \310

Comment [nbt4]: See comments above, this example and first paragraph are in contradiction to each other.

Comment [nbt5]: I think it is important that we are clear about the fact that hours paid at 1.5 times the regular rate of pay and overtime are not always the same. Because COMP time is offered "in lieu of overtime" it is important that we are clear about what would be considered overtime so COMP time can then be correctly calculated. Additionally there are other instances that we need to be able to calculate and document actual overtime, such as for the NYS retirement system.

Comment [nbt6]: In this example the 3 hours of call in pay are duplicating hours used to calculate overtime. I am unclear as to which way the Board wishes to calculate this.

Example 3a:

If we take that same number of hours worked for the day but put the extra hours worked at the end of the day does the employee get paid a different amount?

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The employee works from 7:00am to 7:00pm for a total of 12 hours at the request of the Department Head (no meal break for this example)

The employee is paid:

- 7:00am to 3:00pm is 8 hours of regular pay
- 3:00pm to 7:00pm is 4 hours of overtime pay
- Pay = (8x \$20) + (4 x \$30) = \$280?

In both of these examples the employee works the same number of hours in the day (12 hours) and the same number of hours are worked outside the normal work day hours (4 hours). However in one example 3 of the extra hours are worked before the normal work day starts (first example) and the employee gets paid for both overtime and call-in time on those 3 hours. While in the second example the employee works all 4 "outside regular work day hours" at the end of the work day so do they get those 4 hours paid as overtime AND call-in hours? Pay = (8x\$20) + (4x \$30) overtime + (4x\$30) call-in (outside normal work hours) = \$400? Or should we somehow subtract those 4 hours from the regular work hours (as is happening in the first Example 3 above) but still use them for both the call-in and overtime calculation? Pay= ((8-4)x\$20) + (4x \$30) overtime + (4x\$30) call-in (outside normal work hours) = \$320 (mirroring the calculation used above in the first Example 3).

Employees called in to work outside their regular work day for hours that do not abut their normal work day will be guaranteed 3 hours of pay at 1.5 times their normal rate of pay unless the call-in occurs on a holiday when the rate is 2 times the normal rate of pay.

Additionally, employees called in by the Department Head to work outside their regular work day for hours that do not abut their normal work day hours will be compensated for a total of 30 minutes of travel time at their call-in rate of pay.

Example 4: Call-In time WITH overtime DUPLICATING call-in time.

The employee works from 7:00 a.m. to 3:30 pm, (with 30 minute lunch off) then is called in from 5:00pm to 8:00pm for a total of **11 hours** at the request of the Department Head.

The employee is paid:

- 7:00am to 3:30pm is 8 hours of regular pay
- 5:00pm to 8:00pm is 3 hours of call-in pay with at 1.5 times regular pay
- Pay= (8 x \$20) + (3 x \$30) = \$250 + (0.5 x \$30) travel = **\$265**

In this case the 3 hours of call in pay are duplicating hours paid as overtime.

Example 5: Call-In time of less than 3 hours WITH overtime DUPLICATING call-in time.

Same as example 4 except with 2 hrs call-in time: The employee works from 7:00 a.m. to 3:30 pm, (with 30 minute lunch off) then is called in from 5:00pm to **7:00pm** for a total of **10 hours** at the request of the Department Head.

The employee is paid:

- 7:00am to 3:30pm is 8 hours of regular pay
- 5:00pm to 7:00pm is 2 hours of call-in pay with at 1.5 times regular pay with a minimum of 3 hrs for call-in time.

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Comment [nbt7]: But the number of call in hours and overtime hours are both 3 hours so the amount paid comes out the same.

- $\text{Pay} = (8 \times \$20) + (3 \times \$30) = \$250 + \$15 \text{ travel} = \$265$

In this case the 3 hours of call in pay are duplicating hours paid as overtime but there is a minimum pay of 3 hours at 1.5 times the regular rate of pay for call-in time plus 30 minutes for travel at 1.5 times the regular rate of pay.

Comment [nbt8]: 2 hours would be considered overtime, because those are worked hours. I am unclear as to if the travel time would be considered time worked or not. The 3.5 hours paid for call-in and travel is more than the 2 (or 2.5) hours that would be considered overtime so the amount to be paid is calculated on the higher amount.

Call-in Time that does not abut the normal work day hours or on the weekend:

Example 6: Call-In time less than 3 hours: An employee is called in to work from 4:00 a.m. to 6:00 a.m. The employee worked 2 hours, but will be paid for 3 hours at 1.5 times their rate of pay plus travel time of 30 minutes.

- o 3 hours of call-in pay (1.5 times the regular rate of pay)
- o 0.5 hours of travel time (1.5 times the regular rate of pay)
- o $\text{Pay} = (3 \times \$30) + (0.5 \times \$30) = \$105$

Comment [nbt9]: If these hours duplicate any hours used to calculate overtime depends on other hours worked on that day or during the rest of that week.

Example 7: Same as example 7 but 3 hrs worked: **Call-In time on a weekend MORE than 3 hours:** An employee is called in to work from 9:00 a.m. to 12:00 p.m. on a weekend. The employee is paid for 3 hours at 1.5 times the normal rate of pay plus travel time at 1.5 normal pay.

- 3 hours of call-in pay (1.5 times the regular rate of pay)
- 0.5 hours of travel time (1.5 times the regular rate of pay)
- If the regular rate of pay is \$20 the following calculation would apply:
 - o $(3 \times \$30) + (0.5 \times \$30) = \$105.00$

Comment [nbt10]: If these hours duplicate any hour used to calculate overtime depends on other hours worked for the week

Comment [nbt11]: 3 hours or more (as the example is only 3 hours of work.

If the day is a **holiday**, the employee will be paid 3.5 hours at 2 times their normal rate of pay.

- o 3 hours of holiday call-in pay (2.0 times the regular rate of pay)
- o 0.5 hours of travel time (2.0 times the regular rate of pay)
- o $\text{Pay} = (3 \times \$40) + (0.5 \times \$40) = \$140$

Call-in time when an employee is on vacation. If an employee is approved to be on vacation, but elects to come in when called-in to work during regular work hours, call-in pay is paid at 1.5 times their normal rate of pay for all hours worked. Employees called in on the weekend who work less than 3 hours will be paid for a minimum of 3 hours at 1.5 times their normal rate of pay. The amount of vacation time used will be reduced by the number of actually worked.

Comment [nbt12]: Should we have wording around that employee's right refuse to come in if requested? I.E. If an employee was scheduled to be out on an approved vacation and their supervisor calls and request that they come in to work, are they required to comply or are they allowed to refuse without the risk of retaliation?

Example 8: Call in time during vacation: An employee on vacation called in to work from 7:00a.m. until 9:00a.m will be paid for 3 hours at 1.5 their normal rate of pay. The amount of vacation time charged on the time card will be reduced from 8 hours to 6 hours with the remaining two hours retained in the vacation bank. An employee called in from vacation to work 7:00a.m to 2:00p will be paid for 6.5 hours at 1.5 times their normal rate of pay less a 30 minute unpaid break. The amount of vacation time used will be reduced from 8 hour to 7 hours?

Comment [nbt13]: 1.5 hours to make a total of 8 hours for the day?