

CF OPERATING PROCEDURE
NO. 60-1, Chapter 4

STATE OF FLORIDA
DEPARTMENT OF
CHILDREN AND FAMILIES
TALLAHASSEE, December 1, 2018

Human Resources

ON-CALL/CALL BACK

4-1. Purpose. This operating procedure establishes a uniform process for the requirements of on-call duty, the payment of on-call fees and compensation for call back.

4-2. Scope. This operating procedure applies to all Career Service employees. Employees assigned to the Selected Exempt Services, Senior Management Services and Other Personnel Services shall not be paid for on-call work.

4-3. References.

- a. Classification and Compensation Program, Section 110.2035, Florida Statutes (F.S.) (2016).
- b. Pay Additives and Incentive Pay, 60L-32.0012, Florida Administrative Code (F.A.C.) (2014).
- c. Fair Labor Standards Act of 1938, as amended, 29 U.S.C.A. 201 et seq. (FLSA).
- d. Collective Bargaining Agreements/Contracts between the State and the American Federation of State, County and Municipal Employees, Florida Council 79; the Florida Nurses Association; the Florida Police Benevolent Association (Security Services Unit); and the Florida State Fire Service Association.
- e. Department of Management Services Rule Interpretation, 60L-32-2007-#003, titled On Call Additives and Call-Back Pay for Career Services Employees, last revised January 23, 2014.

4-4. Definitions. For the purposes of this operating procedure, the following definitions shall apply:

a. On-Call Assignment. An instance where management requires an employee to remain available to return to work during an off-duty period and the employee is required to be able to be reached by telephone or by an electronic signaling device in order to be available to return to work on short notice. An employee may be instructed verbally to be on-call for up to 24 consecutive hours; however, no employee shall be required to be on-call for more than 24 consecutive hours or one consecutive calendar day, unless such instructions are in writing. To be eligible to receive on-call payment, the employee must have been released from regular work hours before beginning the on-call period.

b. On-Call Fee. A salary additive to an employee's base rate of pay for performing an on-call assignment.

c. Call Back. A situation where an employee is called back to the work site beyond the employee's scheduled hours of work for that day. In accordance with DMS Rule Interpretation 60L-32-2007-#003, last revised January 23, 2014, the minimum call back is only applicable if the employee is actually required to travel to the work site. If the employee is already present at the

assigned work site or is able to render assistance without returning to the assigned work site, the employee is entitled only to the actual hours worked.

d. Subject to Call. A situation where an employee may be required to return to work on short notice if they can be contacted by appropriate management. The employee is not required to leave work where he or she may be reached by phone or by an electronic signaling device. All employees of the Department are "subject to call" and, as such, shall not receive a salary additive for such status.

e. Guaranteed Call Back Payment. If called back to the work site, an employee is guaranteed a minimum of two hours' payment. If the call back period is less than two hours, the employee will receive straight time payment for the guaranteed period not worked. The time not actually worked does not count toward actual hours worked for overtime purposes.

4-5. Procedures.

a. Approval.

(1) Program Directors and Regional Managing Directors are delegated the authority to approve positions for on-call as needed within their jurisdiction. This authority may be re-delegated utilizing the formal delegation process.

(2) Positions may be approved for on-call when it is necessary to carry out functions vital to the operations of the Department or for the immediate health and well being of clients or the general public.

(3) A request to designate a position to be approved for on-call must be in writing, with full justification and concurrence of the appropriate level supervisor. The request must be submitted to the Human Resources Classification and Compensation Center of Excellence for review before final approval by the delegated authority. A copy of the approval shall be maintained in the employee's official personnel file.

(4) Once approved by the appropriate delegated authority, all future incumbents of that position shall be required to be on-call. The designation shall remain in effect until the appropriate supervisor formally requests that the designation be removed, and the request is approved by the delegated authority.

b. Compensation.

(1) An employee in a position covered by a collective bargaining agreement shall be compensated for on-call assignments in accordance with the appropriate collective bargaining unit agreement. The collective bargaining agreements generally provide for the following on-call fees:

(a) Once approved, an employee who is required to be on-call shall be compensated by payment of a fee in the amount of \$1.00 per hour for each hour such employee is required to be on-call. If an on-call period is less than one hour, the time while on-call will be rounded to the nearest one-fourth hour and the employee will be paid 25 cents for each one-fourth hour of on-call assignment; or,

(b) An employee who is required to be on-call on a Saturday, Sunday or holiday as listed in Section 110.117, F.S., will be compensated by payment of a fee in an amount equal to one-fourth of the statewide minimum for the employee's paygrade or payband, or at the rate specified in paragraph (a) above, whichever is greater, for the period such employee is required to be available.

(2) If not covered by a collective bargaining unit agreement, the employee shall be compensated for on-call assignments in accordance with the same provisions as contained in the Master Contract between the State and the American Federation of State, County and Municipal Employees, Florida Council 79 (AFSCME). (See paragraph b(1) above.)

(3) An employee who is on-call and is required to return to work during the on-call period shall continue to receive on-call pay during the period called back to work.

(4) An employee who is required to work beyond the end of the normal workday but is scheduled to be on-call beginning with the end of the normal workday, shall not commence receiving on-call compensation until the employee is actually released from work.

c. Responsibilities.

(1) An employee in a position approved for on-call shall record all on-call assignments and call back in the People First system. An authorized telephone call log shall also be maintained (see form CF 1702, available in DCF Forms).

(2) Any employee who has been given an on-call assignment and is unavailable or does not return to work when called shall not receive payment for the on-call period and may be subject to disciplinary action.

(3) Supervisory and managerial staff are responsible for following this operating procedure and shall also adhere to the on-call provisions of the collective bargaining agreements when assigning on-call duties to certified bargaining unit employees. Failure to comply with such responsibilities may result in disciplinary action.

BY DIRECTION OF THE SECRETARY:

(Signed original copy on file)

SHELBY JEFFERSON
Acting Human Resources Director

SUMMARY OF REVISED, DELETED OR ADDED MATERIALS

This revision updates Department policy including, but not limited to, the following:

1. Adds paragraph 4-3e.
2. Adds two additional sentences to paragraph 4-4c.