

## Office of Personnel Management

### Policy

<b>Policy Title:</b> On-Call Duty Differential	<b>Policy Number:</b> 20.05.06
<b>Citation:</b> Arkansas Annotated Code § 21-5-221	<b>Forms:</b> None

#### Purpose

Arkansas law allows for agencies or institutions to request an on-call duty or standby duty differential rate of pay for an employee whose job requires them to provide services on nights, weekends, or holidays or other situations when the agency or institution does not have regularly scheduled staff coverage.

#### Specific Provisions

The agency or institution may request authorization for on-call duty differential pay for a non-exempt employee when the agency can demonstrate the position requires the employee to be available to provide services on nights, weekends, or holidays or other situations when the agency or institution does not have regularly scheduled staff. The plan must be approved annually by the Office of Personnel Management (OPM) after review by the Personnel Committee of the Legislative Council.

On-call duty or standby duty differential rate of pay is used for officially scheduled duty outside regular work hours during which an employee is required to be accessible by telephone, pager, or other means and must return to the designated work site upon notification of need within a specified response time.

An employee who is required to be available for duty on nights, weekends, and holidays may be eligible to receive on-call or standby duty pay equivalent of an hourly rate not to exceed twenty percent (20%) of their hourly base rate of pay for each on-call or standby hour not to exceed more than forty-eight (48) hours during any seven-day work period.

Agencies and institutions are authorized to refuse compensation to any employee required to be on-call and standby who fails to respond after the second notification that they are needed at work. The agency or institution will take into consideration the working conditions of the communication device or paging device when determining the penalty.

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An employee assigned to on-call or standby duty who is called into work shall be compensated for the actual hours worked at the appropriate rate of pay with a minimum of two (2) hours for each call back.

If on-call or standby pay is provided to an employee, the total compensation may exceed the maximum or career salaries for the position.

The employee shall not be paid on-call or standby for hours actually worked during a call back.

January 13, 2011