State Call-In/Call-Back/Reporting Pay Laws

The **Fair Labor Standards Act (FLSA)** governs private and public employer pay practices and sets requirements pertaining to hour of work including on-call, call-back and reporting pay.

Depending on the amount of freedom a non-exempt employee has, if he or she must answer work-related phone calls or remain on-call to work with little to no advance notice, pay for that time may be mandatory. Call-back pay applies when non-exempt employees are “called back” to perform work that is beyond their normally scheduled hours. The FLSA does not ensure non-exempt employees be paid a minimum number of hours of work when they are called back to the employers premises, however, the hours they do work must be paid.

When non-exempt employees report to work as scheduled, but are unable to work due to extenuating circumstances, the employer may be required by state law to pay employees for a minimum number of hours. While the FLSA does not require employers to pay non-exempt employees in these situations, many states have enacted provisions that require public and private employers to pay non-exempt employees for a minimum number of hours.

To check whether there is pending legislative issues or recently enacted legislative changes for your state(s) please [click here](#).

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<td>Alaska</td>
<td><strong>15.910.</strong> (a) In this chapter and AS 23.10.050 - 23.10.150, unless the context requires otherwise &quot;standby or waiting time&quot; means time that an employee is required to be at or near the place of employment and is required to wait for work or an assignment, whether or not because of shutdown or repair, and during which the time cannot be used effectively for the employee's own purposes.</td>
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<td>Arizona</td>
<td><strong>R20-5-1202. Definitions</strong> -- In this Article, the definitions of A.R.S. § 23-362 (version two) apply. In addition, unless the context otherwise requires: &quot;Act&quot; means the Raise the Arizona Minimum Wage for Working Arizonans Act, as added by 2006 Proposition 202, § 2. &quot;Hours worked&quot; means all hours for which an employee covered under the Act is employed and required to give to the employer, including all time during which an employee is necessarily required to be on the employer's premises, on duty, or at a prescribed work place and all time the employee is suffered or permitted to work. “On duty” means</td>
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time spent working or waiting that is controlled by the employer and that is not permitted to be used by the employee for the employee’s own purpose.

Arkansas 21-5-221. Compensation differentials.—(a) To address specific employee compensation needs not otherwise provided for in this subchapter, a state agency or institution may pay additional compensation for current employees in specific positions or for classifications of positions assigned to a compensation plan authorized by the General Assembly for one (1) or more compensation differentials. (b) (1) Authorization for one (1) or more compensation differentials may be approved if the: (A) Agency or institution has documented the need for a compensation differential for specified positions or classifications; (B) Agency or institution submits a plan of the terms and conditions for eligibility that must directly address the needs of the targeted positions or classifications for any requested compensation differential; (C) Cost of implementing and maintaining a compensation differential is within the agency's or institution's existing appropriation and shall not be implemented using funds specifically set aside for other programs within the agency or institution; and (D) Compensation differential plan has been approved by the Office of Personnel Management after review by the Personnel Committee of the Legislative Council. (2) Any compensation differential authorized under this section shall be renewed each fiscal year. (3) The cumulative total of any compensation differentials paid to an employee shall not exceed twenty-five percent (25%) of the employee's base salary. (c) (1) Hazardous duty differential of up to six percent (6%) may be authorized for the increased risk of personal physical injury for an employee occupying a certain identified high-risk position if the: (A) Position classification is determined to be physically hazardous or dangerous due to location, facility, services provided, or other factors directly related to the duty assignment of the positions; and (B) Employee's regularly assigned work schedule exposes him or her to clear, direct, and unavoidable hazards during at least fifty percent (50%) of the work time and the employee is not compensated for the hazardous exposure. (2) (A) The director of the requesting agency or institution shall identify the facility or unit, location, and eligible positions and classifications within the facility or unit that are identified as high-risk. (B) The positions shall be certified by the agency or institution director as having been assigned to a work environment that poses an increased risk of personal injury and shall be submitted as part of the plan for payment of hazardous duty differential to the office for approval by the Chief Fiscal Officer of the State after review and approval of the Personnel Committee of the Legislative Council. (C) Subsequent changes to the facility or unit, location, and eligible positions or classifications within the facility or unit on file with the office shall receive prior approval by the Chief Fiscal Officer of the State after review and approval by the Personnel Committee of the Legislative Council. (d) If the granting of the additional hazardous duty compensation has the effect of temporarily exceeding the maximum annual rate for the grade assigned to the employee's classification, the additional compensation shall not be considered as exceeding the maximum allowable rate for that grade. (e) It is the intent of this subsection that hazardous duty compensation shall be at the discretion of the Chief Fiscal Officer of the State and the director of the agency or institution and shall not be implemented using funds specifically set aside for other programs within the agency or institution. (f) An employee who receives additional hazardous duty compensation under this section and then is reassigned to normal duty shall revert on the day of the reassignment to the rate of pay for which he or she is eligible under this subchapter. (g) An additional six percent (6%), but not to exceed a total of twelve percent (12%), hazardous duty differential may be authorized for employees occupying positions assigned to a maximum security unit or facility if the regularly assigned work schedules expose employees at least eighty-five percent (85%) of the work time to clear, direct, and unavoidable hazards from clients, inmates, or patients who are in units or facilities that are classified as maximum security. (h) An employee who is receiving additional compensation for hazardous duty and then is reassigned to normal duty shall revert on the day of the reassignment to the rate of pay for which he or she is eligible under this subchapter. (i) (1) A professional certification differential of up to six percent (6%) for job-related professional certifications for individual positions or for specific classifications within an agency or institution may be authorized if the certification is: (A) From a recognized professional certifying organization and is determined to be directly related to the predominant purpose and use of the position or classification; and (B) Not included as a minimum qualification established or as a special requirement for the classification by the official class specification. (2) (A) A professional certification differential may be paid only while the certification is current and maintained by the employee and while employed in a position or classification covered by the plan. (B) Documentation of continuation or renewal of the certification of the employee is required for continuation of the certification.
California

2:599.708. Call Back Time.--An employee in Work Week Group 1 or Work Week Subgroup 4A who has completed a normal work shift, or an employee in Work Week Subgroups 4B or 4D on an authorized day off, when ordered back to work, shall be credited with a minimum of four hours' work time provided the call back to work is without having been notified prior to completion of the work shift, or the notification is prior to completion of the work shift and the work begins more than three hours after the completion of the work shift. When such an employee is called back under these conditions within four hours of the beginning of a previous call or an additional call is received while still working on an earlier call back, the employee shall not receive an additional four hours' credit for the new call back. When such an employee is called back within four hours of the beginning of the employee's next shift, call back credit shall be received only for the hours remaining before the beginning of the employee's next shift. When staff meetings, training sessions, or work assignments are regularly scheduled on an employee's authorized day off, the employee shall receive call back compensation; when staff meetings and training sessions are regularly scheduled on an employee's normal work day and outside the employee's normal work shift, overtime compensation shall be received in accordance with the regulations governing overtime.

2695.2. (a) (1) For a sheepherder employed on a regularly scheduled 24-hour shift on a seven-day-a-week "on-call" basis, an employer may, as an alternative to paying the minimum wage for all hours worked, instead pay no less than the monthly minimum wage adopted by the Industrial Welfare
Commission on April 24, 2001. Any sheepherder who performs nonsheepherding, nonagricultural work on any workday shall be fully covered for that workweek by the provisions of any applicable laws or regulations relating to that work. (2) After July 1, 2002, the amount of the monthly minimum wage permitted under paragraph (1) shall be increased each time that the state minimum wage is increased and shall become effective on the same date as any increase in the state minimum wage. The amount of the increase shall be determined by calculating the percentage increase of the new rate over the previous rate, and then by applying the same percentage increase to the minimum monthly wage rate. (b) (1) When tools or equipment are required by the employer or are necessary to the performance of a job, the tools and equipment shall be provided and maintained by the employer, except that a sheepherder whose wages are at least two times the minimum wage provided herein, or if paid on a monthly basis, at least two times the monthly minimum wage, may be required to provide and maintain handtools and equipment customarily required by the trade or craft. (2) A reasonable deposit may be required as security for the return of the items furnished by the employer under provisions of paragraph (1) upon issuance of a receipt to the sheepherder for the deposit. The deposits shall be made pursuant to Article 2 (commencing with Section 400) of Chapter 3. Alternatively, with the prior written authorization of the employer, an employer may deduct from the sheepherder's last check the cost of any item furnished pursuant to paragraph (1) when the item is not returned. No deduction shall be made at any time for normal wear and tear. All items furnished by the employer shall be returned by the employer upon completion of the job. (c) No employer of sheepherders shall employ a sheepherder for a work period of more than five hours without a meal period of no less than 30 minutes, except that when a work period of not more than six hours will complete a day's work, the meal period may be waived by the mutual consent of the employer and the sheepherder. An employer may be relieved of this obligation if a meal period of 30 minutes cannot reasonably be provided because no one is available to relieve a sheepherder tending flock alone on that day. Where a meal period of 30 minutes can be provided but not without interruption, a sheepherder shall be allowed to complete the meal period during that day. (d) To the extent practicable, every employer shall authorize and permit all sheepherders to take rest periods. The rest period, insofar as is practicable, shall be in the middle of each work period. The authorized rest times shall be based on the total hours worked daily at the rate of 10 minutes net rest time per four hours, or major fraction thereof, of work. However, a rest period need not be authorized for sheepherders whose total daily worktime is less than three and one-half hours. (e) When the nature of the work reasonably permits the use of seats, suitable seats shall be provided for sheepherders working on or at a machine. (f) After January 1, 2003, during times when a sheepherder is lodged in mobile housing units where it is feasible to provide lodging that meets the minimum standards established by this section because there is practicable access for mobile housing units, the lodging provided shall include at a minimum all of the following: (1) Toilets and bathing facilities, which may include portable toilet facilities and portable shower facilities. (2) Heating. (3) Inside lighting. (4) Potable hot and cold water. (5) Adequate cooking facilities and utensils. (6) A working refrigerator, which may include a butane or propane gas refrigerator, or for no more than a one-week period during which a nonworking refrigerator is repaired or replaced, a means of refrigerating perishable food items, which may include ice chests, provided that ice is delivered to the sheepherder, as needed, to maintain a continuous temperature required to retard spoilage and ensure food safety. (g) After January 1, 2003, all sheepherders shall be provided with all of the following at each worksite: (1) Regular mail service. (2) A means of communication through telephone or radio solely for use in a medical emergency affecting the sheepherder or for an emergency relating to the herding operation. If the means of communication is provided by telephone, the sheepherder may be charged for the actual cost of nonemergency telephone use. Nothing in this subdivision shall preclude an employer from providing additional means of communication to the sheepherder which are appropriate because telephones or radios are out of range or otherwise inoperable. (3) Visitor access to the housing. (4) Upon request and to the extent practicable, access to transportation to and from the nearest locale where shopping, medical, or cultural facilities and services are available on a weekly basis. (h) In addition to any other civil penalties provided by law, any employer or any other person acting on behalf of the employer who violates or causes to be violated the provisions of this section shall be subject to a civil penalty, as follows: (1) For the initial violation, fifty dollars ($50) for each underpaid employee for each pay period during which the employee was underpaid, plus an amount sufficient to recover the unpaid wages. (2) For any subsequent violation, one hundred dollars ($100) for each underpaid employee for each pay period during which the employee was underpaid, plus an amount sufficient to recover the unpaid wages. (3)
The affected employee shall receive payment of all wages recovered. (i) If the application of any provision of any subdivision, sentence, clause, phrase, word, or portion of this legislation is held invalid, unconstitutional, unauthorized, or prohibited by statute, the remaining provisions thereof shall not be affected and shall continue to be given full force and effect as if the part held invalid or unconstitutional had not been included. (j) Every employer of sheepherders shall post a copy of this part in an area frequented by sheepherders where it may be easily read during the workday. Where the location of work or other conditions make posting impractical, every employer shall make a copy of this part available to sheepherders upon request. Copies of this part shall be posted and made available in a language understood by the sheepherder. An employer is deemed to have complied with this subdivision if he or she posts where practical, or makes available upon request where posting is impractical, a copy of the Industrial Welfare Commission Order 14-2001, as adopted on April 24, 2001, relating to sheepherders, provided that the posted material includes a sufficient summary of each of the provisions of this part.

### 1101 Sec. 5 Reporting Time Pay

**(A)** Each workday an employee is required to report for work and does report, but is not put to work or is furnished less than half said employee’s usual or scheduled day’s work, the employee shall be paid for half the usual or scheduled day’s work, but in no event for less than two (2) hours nor more than four (4) hours, at the employee’s regular rate of pay, which shall not be less than the minimum wage. **(B)** If an employee is required to report for work a second time in any one workday and is furnished less than two (2) hours of work on the second reporting, said employee shall be paid for two (2) hours at the employee’s regular rate of pay, which shall not be less than the minimum wage. **(C)** The foregoing reporting time pay provisions are not applicable when: (1) Operations cannot commence or continue due to threats to employees or property; or when recommended by civil authorities; or (2) Public utilities fail to supply electricity, water, or gas, or there is a failure in the public utilities, or sewer system; or (3) The interruption of work is caused by an Act of God or other cause not within the employer’s control. **(D)** This section shall not apply to an employee on paid standby status who is called to perform assigned work at a time other than the employee’s scheduled reporting time.

### Colorado

**4 CCR 801-1 Sec. 3-45.** Call Back applies when an eligible employee is required to report to work before the start or after the end of a scheduled shift. If there is no release from work between the call back hours and regular shift, it is considered a continuation of the shift and call back does not apply. When call back applies, a minimum of two hours pay is guaranteed. Eligible employees are those who are eligible for overtime, and any call back time is counted as work time. Employees exempt from overtime are also eligible when approved by a department head.

**4 CCR 801-1 3-46.** On Call is additional pay beyond base pay for employees specifically assigned, in advance, to be accessible outside of normal work hours and where freedom of movement and use of personal time is significantly restricted. Eligible classes and the rate are published in the annual compensation plan. A department head may designate eligibility for individual positions in classes not published and maintain records of such on-call designations. Only time while actually on call shall be paid at the special rate. In back call situations, employees eligible for both on call and call back pay shall receive call back pay only.

**7 CCR 1103 Time Worked:** the time during which an employee is subject to the control of an employer, including all the time the employee is suffered or permitted to work whether or not required to do so. Requiring or permitting employees to remain at the place of employment awaiting a decision on job assignment or when to begin work or to perform clean up or other duties “off the clock” shall be considered time worked and said time must be compensated.

### Connecticut

**31-60-11. Hours worked.** (a) For the purpose of this regulation, "hours worked" include all time during which an employee is required by the employer to be on the employer’s premises or to be on duty, or to be at the prescribed work place, and all time during which an employee is employed or permitted to work, whether or not required to do so, provided time allowed for meals shall be excluded unless the employee is required or permitted to work. Such time includes, but shall not be limited to, the time when an employee is required to wait on the premises while no work is provided by the employer. Working time in every instance shall be computed to the nearest unit of 15 minutes. (b) All time during which an employee is required to be on call for emergency service at a location designated by the employer shall be considered to be working time and shall be paid for as such, whether or not the employee is actually...
called upon to work. (c) When an employee is subject to call for emergency service but is not required to be at a location designated by the employer but is simply required to keep the employer informed as to the location at which he may be contacted, or when an employee is not specifically required by his employer to be subject to call but is contacted by his employer or on the employer’s authorization directly or indirectly and assigned to duty, working time shall begin when the employee is notified of his assignment and shall end when the employee has completed his assignment.

31-76b. Definitions. As used in sections 31-76b to 31-76j, inclusive: (2) (A) "Hours worked" include all time during which an employee is required by the employer to be on the employer's premises or to be on duty, or to be at the prescribed work place, and all time during which an employee is employed or permitted to work, whether or not required to do so, provided time allowed for meals shall be excluded unless the employee is required or permitted to work. Such time includes, but shall not be limited to, the time when an employee is required to wait on the premises while no work is provided by the employer. (B) All time during which an employee is required to be on call for emergency service at a location designated by the employer shall be considered to be working time and shall be paid for as such, whether or not the employee is actually called upon to work. (C) When an employee is subject to call for emergency service but is not required to be at a location designated by the employer but is simply required to keep the employer informed as to the location at which he may be contacted, or when an employee is not specifically required by his employer to be subject to call but is contacted by his employer or on the employer's authorization directly or indirectly and assigned to duty, working time shall begin when the employee is notified of his assignment and shall end when the employee has completed his assignment; (3) "Employee" means employee as defined in section 31-58.

Delaware

5.16.1 Call-Back Pay --FLSA-covered employees who have left the work site at the end of their scheduled shift and are called back for overtime service shall be paid for such service in accordance with the provisions for overtime pay, provided that minimum total payment is equivalent to four times their regular straight time hourly rate. Employees shall be paid according to this call-back provision or the overtime provision, whichever is greater, not both.

5.16.2 Social workers providing direct child or adult protective services and the State Emergency Response Team approved by the State Personnel and Budget Directors shall be eligible for call-back pay.

5.17 Stand-by Pay--FLSA-covered employees assigned to critical public service approved by the Director, and authorized by agencies to be on-call regularly for emergency services for an average of 64 off-duty hours or more per week, shall receive stand-by pay equal to 5% of their pay grade midpoint while so assigned. Such increased pay shall continue during absences only for paid holidays and sick leave of five successive work days or less occurring during the period of assignment. Any call-back work required during on-call periods shall also be compensated in accordance with 4.16.

5.17.2 Social workers providing direct child or adult protective services and the State Emergency Response Team approved by the State Personnel and Budget Directors shall be eligible for stand-by pay.

District of Columbia

907.1 The employer shall pay the employee for at least four (4) hours for each day on which the employee reports for work under general or specific instructions but is given no work or is given less than four hours of work, except that if the employee is regularly scheduled for less than four hours a day, such employee shall be paid for the hours regularly scheduled. The minimum daily wage shall be calculated as follows: payment at the employee’s regular rate for the hours worked, plus payment at the minimum wage for the hours not worked, as described above.

1137 On-Call Pay--On-call pay shall not be paid unless specifically authorized by this section.

1137.2 An agency may designate positions for which on-call pay may be authorized, if both of the following conditions are met: (a) The work involved in the position is vital to: (1) Continuity of public health and human services;(2) Public safety and law enforcement;(3) Emergency management services
and emergency medical services; or (4) Other crucial operations such as snow removal, debris removal, transportation, shelter operation, food distribution, and communication; and (b) The work of the position requires the incumbent, when otherwise off duty, to be available to report for work on short notice, within a maximum of one (1) hour or such lesser time as the agency deems warranted by the nature of the position.

1137.4 For an employee to be eligible to receive on-call pay, all of the following conditions must be met: (a) He or she must occupy a position for which on-call pay has been authorized pursuant to §1137.2; (b) The agency must have placed the on-call time on the employee's official work schedule on a holiday or outside the employee's scheduled tour of duty; (c) The employee must be required to be in a state of readiness to perform work; and (d) When called in, the employee must be able to report for work within the time frame established by the agency pursuant to § 1137.2(b).

1137.5 While in an on-call status, an employee shall be entitled to pay at a rate equal to twenty-five percent (25%) of his or her rate of basic pay, payable on an hour-for-hour basis, in increments of one-quarter (1/4) of an hour for each fifteen (15) minutes and portion thereof in excess of fifteen (15) minutes.

1137.6 When an employee who is in an on-call status is called in to perform work, he or she shall be credited with a minimum of two (2) hours of work time.

1137.7 On-call pay may not be provided nor may an employee be placed in an on-call status while on paid leave.

1137.8 On-call pay shall not be considered basic pay for any purpose except for computing overtime under the Fair Labor Standards Act.

32-1002. Definitions. For the purposes of this subchapter: (10) The term “working time” means all the time the employee: (A) Is required to be on the employer’s premises, on duty, or at a prescribed place; (B) Is permitted to work; (C) Is required to travel in connection with the business of the employer; or (D) Waits on the employer’s premises for work. Interpretations of what constitutes working time shall be made in accordance with Title 29 of the Code of Federal Regulations, Part 785, Hours Worked Under the Fair Labor Standards Act of 1938, as amended, except that references to interpretations of the Portal-to-Portal Florida 60L-34.001 Scope and Purpose. This chapter sets forth the rules governing attendance and leave policies that apply to employees in the State Personnel System, excluding volunteers and Other Personal Services employees. Rule 60L-34.0051, F.A.C., also applies to Florida Lottery employees.

60L-34.0031 Regular Time and Overtime.—(1) (f) When an employee is called back to work beyond the employee's scheduled hours of work for that day, the employee shall be credited with actual time worked or a minimum of two hours of work, whichever is greater. Time not worked of the minimum of two hours is not counted as hours worked for the purposes of computing overtime compensation.

Georgia 40-10-4-04 (5) Official establishments requesting and receiving the services of a Program inspector after he has completed his day's assignment and left the premises, or called back to duty during any Saturday, Sunday, or holiday period, shall be billed for a minimum of 2 hours at the rate as provided for in 40-10-4-04. (6) Bills are payable upon receipt and become delinquent 30 days from the posting date of the bill. Voluntary inspection service will not be performed for anyone having a delinquent account.

Illinois 210.110. Definitions--"Hours worked" means all the time an employee is required to be on duty, or on the employer's premises, or at other prescribed places of work, and any additional time he or she is required or permitted to work for the employer. An employee's meal periods and time spent on-call away from his/her employer's premises are compensable hours worked when such time is spent predominantly for the benefit of the employer, rather than for the employee. An employee's travel, performed for the employer's benefit (for example, in response to an emergency call back to work outside his/her normal work hours, or at the employer's special request to perform a particular and
unusual assignment, or as a part of the employee's primary duty, or in substitution of his/her ordinary duties during normal hours) is compensable work time as defined in 29 CFR 785.33—785.41 (1994, no subsequent dates or editions), as amended at 26 FR 190.

### Indiana

**411.16 Hours of service.**—Fire fighters employed in the fire department of cities of ten thousand population or more, or under civil service, shall not be required to remain on duty for periods of time which will aggregate in each month more than an average of fifty-six hours per week and no single period of time, or shift, shall exceed twenty-four hours in length, provided that in cases of serious emergencies such fire fighters may be required to remain on duty until such emergency has passed, when so ordered by the chief of the department or person acting in the chief’s place. Fire fighters called back to duty under this provision shall be duly compensated in accordance with their regular hourly wage.

**411.17 Provisions not applicable.**—The provisions of section 411.16 shall not apply to the chief, or other persons when in command of a fire department, nor to fire fighters who are employed subject to call only.

### Iowa

**875 IAC 215.3(91D)., Iowa—Definitions—As used in 875—Chapters 216 to 220:** "Hours worked." In determining, for the purpose of the minimum wage, the hours for which an employee is employed, there shall be excluded any time spent in changing clothes or washing at the beginning or end of each workday which was excluded from measuring working time during the week involved by the express terms of or by custom or practice under a bona fide collective bargaining agreement applicable to the particular employee. In determining the total hours worked, the employer must include all time the employee is required to be on the premises or on duty (and not completely relieved of all job duties during a meal or sleep period) and all the time the employee is suffered or permitted to work. (14) "Industry" means a trade, business, industry, or other activity, or branch or group thereof, in which individuals are gainfully employed.

**875 IAC 220.221(91D). Compensable hours of work [Fire Protection and Law Enforcement].—** (1) Reserved. (2) Compensable hours of work generally include all of the time during which an employee is on duty on the employer's premises or at a prescribed workplace, as well as all other time during which the employee is suffered or permitted to work for the employer. The time includes all preshift and postshift activities which are an integral part of the employee's principal activity or which are closely related to the performance of the principal activity, such as attending roll call, writing up and completing tickets or reports, and washing and reracking fire hoses. (3) Time spent away from the employer's premises under conditions that are so circumscribed that they restrict the employee from effectively using the time for personal pursuits also constitutes compensable hours of work. (4) An employee who is not required to remain on the employer’s premises but is merely required to leave word at home or with company officials where the employee may be reached is not working while on call. Time spent at home on call may be compensable depending on whether the restrictions placed on the employee preclude using the time for personal pursuits. Where the conditions placed on the employee's activities are so restrictive that the employee cannot use the time effectively for personal pursuits, such time spent on call is compensable. (5) Normal home to work travel is not compensable, even where the employee is expected to report to work at a location away from the location of the employer's premises. (6) A police officer, who has completed the tour of duty and who is given a patrol car to drive home and use on personal business, is not working during the travel time even where the radio must be left on so that the officer can respond to emergency calls. The time spent responding to such calls is compensable. (7) The fact that employees cannot return home after work does not necessarily mean that they continue on duty after their shift.

### Kansas

**1-5-25. Call-in and call-back pay.—** (a) An appointing authority may call an employee in to work on a regular day off or may call an employee back to work after a regular work schedule. Except as provided in subsection (b), employees of the state who are eligible to receive overtime pursuant to K.A.R. 1-5-24,
and who are called in to work on a regular day off or are called back to work after a regular work
schedule, shall be paid at the appropriate rate of pay for the hours worked. Except as noted below, such
employees shall be paid for a minimum of two hours. The minimum of two hours shall not apply if the
employee was on stand-by when called in or called back, nor shall it apply if the employee was called in
or called back during the two hour period immediately prior to the beginning of the employee's next
regularly scheduled work shift. Only the hours actually worked shall be credited in determining
eligibility for overtime compensation. (b) The head of each agency with employees engaged in law
enforcement and firefighting activities as defined in 29 C.F.R. 553, shall determine whether such
employees will be eligible for call-in and call-back pay as provided in this regulation and shall submit a
written statement regarding such determination to the director. The determination as to eligibility for
call-in and call-back may be modified by the secretary upon recommendation of the director.

803 KAR 1:065. Section 1. Definition of Employee. By statutory definition the term "employee" is any
person employed by or suffered or permitted to work for an employer. The statute, however, contains no
definition of work. The following sections are determined to give interpretations as to the meaning of
"suffered or permitted to work." Section 2. Suffered or Permitted to Work. (1) General. Work not
requested but suffered or permitted to work time. For example, an employee may voluntarily continue to
work at the end of the shift, he may be a pieceworker, he may desire to finish an assigned task or he may
wish to correct errors, paste work tickets, prepare time reports or other records. The reason is
immaterial. The employer knows or has reason to believe that he is continuing to work and the time is
working time. (2) Work performed away from premises. The rule is also applicable to work performed
away from the premises or the job site, or even at home. If the employer knows or has reason to believe
that the work is being performed he must count the time as hours worked. (3) Duty of management. In
all such cases it is the duty of the management to exercise its control and see that the work is not
performed if it does not want it to be performed. It cannot sit back and accept the benefits without
compensating for them. The mere promulgation of a rule against such work is not enough. Management
has the power to enforce the rule and must make every effort to do so. Section 3. Waiting Time. (1)
General. Whether waiting time is worked under the act depends upon particular circumstances. The
determination involves scrutiny and construction of the agreements between particular parties, appraisal
of their practical construction of the working agreement by conduct, consideration of the nature of the
service, and its relation to the waiting time, and all of the circumstances. Facts may show that the
employee was engaged to wait, or they show that he waited to be engaged. Such questions must be
determined in accordance with common sense and the general concept of work or employment. (2) On
duty. A stenographer who reads a book while waiting for dictation, a messenger who works a crossword
puzzle while awaiting assignments, fireman who plays checkers while waiting for alarms and a factory
worker who talks to his fellow employees while waiting for machinery to be repaired are all working
during their period of inactivity. The rule also applies to employees who work away from the plan. For
example, a repair man is working while he waits for his employer's customer to get the premises in
readiness. The time is worktime even though the employee is allowed to leave the premises or the job
site during such periods of inactivity. The periods during which these occur are unpredictable. They are
usually of short duration. In either event the employee is unable to use the time effectively for his own
purpose. It belongs to and is controlled by the employer. In all of these cases waiting is an integral part
of the job. The employee is engaged to wait. (3) Off duty. (a) Period during which an employee is
completely relieved from duty and which are long enough to enable him to use the time effectively for
his own purposes are not hours worked. He is not completely relieved from duty and cannot use the time
effectively for his own purposes unless he is definitely told in advance that he may leave the job and that
he will not have to commence work until a definitely specified hour has arrived. Whether the time is
long enough to enable him to use the time effectively for his own purposes depends upon all of the facts
and circumstances of the case. (b) A truck driver who has to wait at or near the job site for goods to be
loaded is working during the loading period. If the driver reaches his destination and while awaiting the
return trip is required to take care of his employer's property, he is also working while waiting. In both
cases the employee is engaged to wait. Waiting is an integral part of the job. On the other hand, for
example, if the truck driver is sent from Louisville to Paducah, leaving at 9 a.m. and arriving at 2 p.m.,
and is completely and specifically relieved from all duty until 8 p.m. when he again goes on duty for the
return trip, the idle time is not working time. He is waiting to be engaged. (4) On-call time. An
employee who is required to remain on call on the employer's premises or so close thereto that he cannot
use the time effectively for his own purposes is working while on call. An employee who is not required to remain on the employer's premises but is merely required to leave word at his home or with company officials where he may be reached is not working while on call.

**Louisiana**

Sec. 6.28 On-Call Pay /Compensation for On-Call Duty— (a) and (b) The purpose of this rule is to recruit job applicants and retain current employees by providing higher pay or compensatory time off for being on-call beyond regularly scheduled work hours. On-call pay may not be paid on a regular basis as a means to supplement salary. On-call pay may be paid only when an employee is assigned to on-call duty. On-call is defined as an employee being available for call back to his duty station, work-ready, within a specified period of time at the direction of the appointing authority. The implementation requirements for use of Rule 6.28 (b) are: (1) Agencies must adopt and post a written policy and forward a copy of such policy to the Department of Civil Service; and (2) All established policies are subject to pre-authorized limits set by Civil Service. Current pre-authorized hourly limits are set up to $2.25 per hour or 1/4 hour of compensatory time earned for each hour worked. NOTE: On-call requests above the aforementioned pre-authorized hourly limits must be submitted to the Department of Civil Service for approval. Agencies are to submit a letter of request detailing their need for a higher on-call amount and documentation supporting the request. When an agency is in the process of establishing a policy for On-Call Pay, thorough research should be conducted regarding competitive pay practices. The use of On-Call Pay is subject to the provisions of Rule 6.29.

**Maryland**

17.04.02.12 Call-Back Pay.--A. An employee who is called to report to work on the employee's regular day off or who has been recalled to work after having left the employer's premises, shall be guaranteed the greater of a minimum of 1 hour of pay plus travel time at the: (1) Regular rate of pay; or (2) Applicable overtime rate. B. An employee who is currently guaranteed a minimum of pay greater than 1 hour shall continue to be paid at the greater minimum. C. If an employee is paid for 8 hours or more, travel time may not be paid. D. This regulation shall apply as of July 1, 1998.

**Massachusetts**

455 CMR 2.03-- (1) Reporting Pay. When an employee who is scheduled to work three or more hours reports for duty at the time set by the employer, and that employee is not provided with the expected hours of work, the employee shall be paid for at least three hours on such day at no less than the basic minimum wage. 455 CMR 2.03 (1) shall not apply to organizations granted status as charitable organizations under the Internal Revenue Code. (2) On-call Time. An on-call employee who is not required to be at the work site, and who is effectively free to use his or her time for his or her own purposes, is not working while on call. (3) Sleeping Time and Working Shifts. (a) An employee required to be on duty at the work site for less than 24 hours is working even if the employee is permitted to sleep or engage in other personal activities when not busy. (b) Where an employee is required to be on duty at the worksite for 24 hours or more, the employer and employee may agree prior to performance of the work to exclude bona fide meal periods and a bona fide regularly scheduled sleeping period of not more than eight hours from working time, provided the employer provides adequate sleeping quarters and the employee can usually enjoy an uninterrupted night's sleep. If no prior agreement is made, sleeping time and meal time will constitute working time. If the sleeping period is interrupted by a call to duty, all such time on duty must be counted as working time. If the sleeping period is interrupted to such an extent that the employee cannot get a reasonable night's sleep, the entire period must be counted as working time.

**Minnesota**

5200.0120 HOURS WORKED. Subpart 1. General. The minimum wage must be paid for all hours worked. Hours worked include training time, call time, cleaning time, waiting time, or any other time when the employee must be either on the premises of the employer or involved in the performance of duties in connection with his or her employment or must remain on the premises until work is prepared or available. Rest periods of less than 20 minutes may not be deducted from total hours worked. Subp. 2. On-call time. An employee who is required to remain on the employer's premises or so close to the premises that the employee cannot use the time effectively for the employee's own purposes is working while on call. An employee who is not required to remain on or near the employer's premises, but is merely required to leave word at the employee's home or with company officials where the employee may be reached is not working while on call. Subp. 3. Off-duty. Periods when the employee is completely relieved of duty and free to leave the premises for a definite period of time, and the period is long enough for the employee to use for the employee's own purposes, are not hours worked.

5200.0121 SLEEPING TIME AND CERTAIN OTHER ACTIVITIES. --Subpart 1. Less than 24-hour duty. An employee who is required to be on duty for less than 24 hours is working even though
the employee is permitted to sleep or engage in other personal activities when not busy except as provided in Minnesota Statutes, section 177.23, subdivision 11. Subp. 2. Duty of 24 hours or more. If an employee is required to be on duty for 24 hours or more, the employer and the employee may agree to exclude bona fide meal periods and a bona fide regularly scheduled sleeping period of not more than eight hours from hours worked, provided adequate sleeping facilities are furnished by the employer and the employee can usually enjoy an uninterrupted sleeping period. If a sleeping period is of more than eight hours, only eight hours may be excluded. Where no expressed or implied agreement to the contrary is present, the lunch periods and up to eight hours of sleeping time constitute hours worked. If the sleeping period is interrupted by a call to duty, the interruption must be counted as hours worked. If the period is interrupted so that the employee cannot get a minimum of five hours of sleep, the entire period must be counted as hours worked. Subp. 3. Employees residing on employer's premises or working at home. An employee who resides on the employer's premises on a permanent basis or for extended periods of time is not considered as working all the time the employee is on the premises. Ordinarily, an employee may enjoy periods of complete freedom from all duties, during which the employee may engage in normal private pursuits. These free periods are not considered hours worked.

### Montana

24.16.2523 "CALL-BACK" PAY

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(1) General. In the interest of simplicity and uniformity, the principles just discussed are applied also with respect to typical minimum "call-back" or "call-out" payments made pursuant to employment agreements. Typically, such minimum payments consist of a specified number of hours' pay at the applicable straight time or overtime rates which an employee receives on infrequent and sporadic occasions when, after his scheduled hours of work have ended and without rearrangement, he responds to a call from his employer to perform extra work. (2) Application illustrated. The application of these principles to call-back payments may be illustrated as follows: An employment agreement provides a minimum of 3 hours' pay at time and one-half for any employee called back to work outside his scheduled hours. The employees covered by the agreement, who are entitled to overtime pay after 40 hours a week, normally work 8 hours each day, Monday through Friday, inclusive, in a workweek beginning on Monday, and are worked in excess of 8 in any day or 40 in any workweek. Assume that an employee covered by this agreement and paid at the rate of $2 an hour works 1 hour overtime or a total of 9 hours on Monday, and works 8 hours each on Tuesday through Friday, inclusive. After he has gone home on Friday evening he is called back to perform an emergency job. His hours worked on the call total 2 hours and he receives 3 hours' pay at time and one-half or $9, under the call-back provision, in addition to $80 for working his regular schedule and $3 for overtime worked on Monday evening. In computing overtime compensation due this employee under the Law, the 43 actual hours (not 44) are counted as working time during the week. In addition to $86 pay at the $2 rate for all these hours, he has received under the agreement a premium of $1 for the 1 overtime hour on Monday and of $2 for the 2 hours of overtime work on the call, plus an extra sum of $3 paid by reason of the provision for minimum call-back pay. For purposes of the law, the extra premiums paid for actual hours of overtime work on Monday and on the Friday call (a total of $3) may be excluded as true overtime premiums in computing his regular rate for the week and may be credited toward compensation due under the law, but the extra $3 received under the call-back provision is not regarded as paid for hours worked; therefore, it may be excluded from the regular rate, but it cannot be credited toward overtime compensation due under the Law. The regular rate of the employee, therefore, remains $2, and he has received an overtime premium of $1 an hour for 3 overtime hours of work. This satisfies the requirements of the law. The same would be true, of course, in the foregoing example, the employee was called back outside his scheduled hours for the 2 hour emergency job on another night of the week or on Saturday or Sunday instead of on Friday night. (3) Other payments similar to "call-back" pay. The principles are also applied with respect to certain types of extra payments which are similar to call-back pay, such as: (a) Extra payments made to employees, on infrequent and sporadic occasions, for failure to give the employee sufficient notice to report for work on regular days of rest or during outside of his regular work schedule; and (b) Extra payments made, on infrequent and sporadic occasions, solely because the employee has been called back to work before the expiration of a specified number of hours between shifts or tours of duty, sometimes referred to as a "rest period". The extra payment, over and above the employee's earnings for the hours actually worked at his applicable rate (straight time or overtime, as the case may be) is considered as a payment that is not made for hours worked.

### Nevada

NAC 284.214 Compensation for being called back to work; compensation for person required to appear as witness. (NRS 284.065, 284.155, 284.175) 1. Except as otherwise provided in subsection 2,
an employee must be paid 2 hours of call back pay at the rate of time and one-half of his normal rate of pay if his employer calls him back to work during his scheduled time off without having notified him before the completion of his last normal working day. For each additional hour that such an employee works after the 2 hours for which he is paid call back pay, the employee must be paid overtime at the rate of time and one-half of his normal rate of pay if he is eligible pursuant to NRS 284.180. 2. Subsection 1 does not apply to any: (a) Employee who is called into work while on standby status. (b) Exempt classified employee or exempt unclassified employee. (c) Employee who works part-time or intermittently unless he has worked 8 hours in 1 calendar day. (d) Employee who performs duties pursuant to an understanding with the agency whereby the employee is given discretion as to performance of the duties and the duties are initiated by the action of the employee. In such a case, the employee receives compensation at the appropriate rate only for the actual time spent in the performance of those duties. (e) Employee who is not required to leave the premises where he is residing or located at the time of notification in order to respond to a call. (f) Employee who is called back to work if: (1) The work begins 1 hour or less before or after his scheduled work shift; (2) The time for beginning the work is set at the employee's request; or (3) The work begins during the same 2-hour period previously paid for call back pay. 3. An employee who is required to appear as a witness in court or at an administrative hearing: (a) During his regularly scheduled time off; and (b) Concerning a matter which relates directly to his job, must be paid 2 hours of call back pay at the rate of time and one-half of his normal rate of pay. For each additional hour after the 2 hours for which he is paid call back pay, the employee must be paid overtime at the rate of time and one-half of his normal rate of pay if he is eligible pursuant to NRS 284.180. If he receives a witness fee as well as this compensation, he shall remit the witness fee to the agency by which he is employed.

<p>| New Hampshire | 275:43-a Required Pay. On any day an employee reports to work at an employer's request, he shall be paid not less than 2 hours' pay at his regular rate of pay; provided, however, that this section shall not apply to employees of counties or municipalities, and provided further that no employer who makes a good faith effort to notify an employee not to report to work shall be liable to pay wages under this section. However, if the employee reports to work after the employer's attempt to notify him has been unsuccessful or if the employer is prevented from making notification for any reason, the employee shall perform whatever duties are assigned by the employer at the time the employee reports to work. |
| New Jersey | 12:56-5.5 Reporting for work--(a) An employee who by request of the employer reports for duty on any day shall be paid for at least one hour at the applicable wage rate, except as provided in (b) below. (b) The provisions of (a) above shall not apply to an employer when he or she has made available to the employee the minimum number of hours of work agreed upon by the employer and the employed prior to the commencement of work on the day involved. |
| 12:56-5.6 On-call time--(a) When employees are not required to remain on the employer's premises and are free to engage in their own pursuits, subject only to the understanding that they leave word at their home or with the employer where they may be reached, the hours shall not be considered hours worked. When an employee does go out on an on-call assignment, only the time actually spent in making the call shall be counted as hours worked. (b) If calls are so frequent or the &quot;on-call&quot; conditions so restrictive that the employees are not really free to use the intervening periods effectively for their own benefit, they may be considered as &quot;engaged to wait&quot; rather than &quot;waiting to be engaged&quot;. In that event, the waiting time shall be counted as hours worked. Amended by R. 1990 d. 520, effective November 5, 1990. See: 22 N.J.R. 2235(a), 22 N.J.R. 3379(b). Clarified text to specify &quot;on-call time&quot; and when hours are considered hours worked. Administrative Correction to (a). See: 23 N.J.R. 1416(c). |
| 12:56-5.7 On-call employees required to remain at home &quot;On-call&quot;--employees may be required by their employer to remain at their homes to receive telephone calls from customers when the company office is closed. If &quot;on-call&quot; employees have long periods of uninterrupted leisure during which they can engage in the normal activities of living, any reasonable agreement of the parties for determining the number of hours worked shall be accepted. The agreement shall take into account not only the actual time spent in answering the calls but also some allowance for the restriction on the employee's freedom to engage in personal activities resulting from the duty of answering the telephone. |
| 12:57-3.6 Waiting time--Time during regular working hours and at other periods when employees are |</p>
<table>
<thead>
<tr>
<th>State</th>
<th>Reference</th>
<th>Text</th>
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<tbody>
<tr>
<td>New Mexico</td>
<td>1.7.4.15 NMAC CALL-BACK PAY</td>
<td>A. Employees who are directed to return to work after completing their normal or alternative work schedule: (1) shall be paid in accordance with the provisions of 1.7.4.14 NMAC, if the time worked results in overtime; or: (2) shall be paid their hourly rates, if the time worked does not result in overtime. B. Agencies may establish a minimum number of hours to be paid when employees are called back in accordance with their agency policy.</td>
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<td>New York</td>
<td>12 NYCRR 137-3.6. Working time--</td>
<td>Working time means time worked or time of permitted attendance, including waiting time, whether or not work is provided, and time spent in traveling as part of the duties of the employee.</td>
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<td>12 NYCRR 138-2.4. Rate for working time, waiting time and travel time.--</td>
<td>(a) All-year hotels. (1) Working time means actual service or time of permitted attendance at the establishment, and time spent in traveling at the request of the employer from one of the employer's establishments to another. (2) Waiting time, other than time off duty for a split shift, during which an employee is required or permitted to wait during the workday while no work is provided by the employer, shall be counted as working time. Such waiting time shall be paid for at not less than the minimum rate before taking into account any allowances for tips, and after taking into account any allowance for meals and the total number of hours of working time for that week. (3) An employee required or permitted to travel from one establishment to another of the same employer after the beginning or before the close of the working day shall be compensated for travel time at the minimum rate before taking into account any allowances for tips and shall be reimbursed for fare. (b) Resort hotels. Working time means that an employee is permitted to work, or is required to be available for work at a place prescribed by the employer, and shall include time spent in traveling to the extent that such traveling is part of the duties of the employee. (c) All hotels. A residential employee shall not be deemed to be permitted to work or required to be available for work: (1) during such employee's normal sleeping hours solely because such employee is required to be on call during such hours; or (2) at any other time when such employee is free to leave the place of employment.</td>
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<td>142-2.3 Call-in pay. --</td>
<td>An employee who by request or permission of the employer reports for work on any day shall be paid for at least four hours, or the number of hours in the regularly scheduled shift, whichever is less, at the basic minimum hourly wage.</td>
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<td>142-2.4 Additional rate for split shift and spread of hours.--</td>
<td>An employee shall receive one hour's pay at the basic minimum hourly wage rate, in addition to the minimum wage required in this Part for any day in which: (a) the spread of hours exceeds 10 hours; or (b) there is a split shift; or (c) both situations occur.</td>
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<tr>
<td>North Carolina</td>
<td>25 NCAC 1D.1501 POLICY</td>
<td>(a) It is a policy of the state to provide additional compensation for employees who are required to serve in on-call status and who are called back to work or who must respond from home via telephone/computer. (b) An employee in a position designated for emergency call-back or on-call pay and who is called in to work before or on-call pay and who is called in to work before or after his scheduled hours of work or non-work days or is placed in on-call status shall be allowed compensatory time off or pay, as the facts in each case would require.</td>
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<td>North Dakota</td>
<td>46-02-07-02. Standards that apply.--</td>
<td>8. Standby time on the employer's premises, or &quot;on call&quot; as in an engaged to wait manner is work time to be compensated. Waiting to be engaged is not required to be compensated as work time.</td>
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<td>46-02-07-01. Definitions.</td>
<td>As used in this title: 5. &quot;Engaged to wait&quot; means when employees are required to remain on call on the employer's premises or so close thereto that they cannot use the time effectively for their own purposes and thus are considered to be working 18. &quot;Waiting to be engaged&quot; means when employees are on call and not required to remain on the employer's premises, but are required to respond to a beeper or leave word at home or the employer's business where they may be reached. Employees are not considered to be working while in this status. 19. &quot;Week&quot; means any consecutive seven-day period established by the employer.</td>
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<td>State</td>
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<td>Oklahoma</td>
<td>74-840-2.29</td>
<td>On-call classified employees — Minimum compensation for hours worked. A classified employee who is on-call shall be compensated for a minimum of two (2) hours of work if the employee reports to a work location while in an on-call status. This provision shall apply anytime the employee reports and works less than two (2) hours.</td>
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<td>Oregon</td>
<td>839-020-0041</td>
<td>Waiting Time— (1) On duty (engaged to wait): Where waiting is an integral part of the job, i.e., when the time spent waiting belongs to and is controlled by the employer and the employee is unable to use the time effectively for the employee's own purposes, that employee will be considered as engaged to wait. All time spent in activity where an employee is engaged to wait will be considered as part of hours worked. (2) Off duty (waiting to be engaged): Periods during which an employee is completely relieved from duty and which are long enough to enable the employee to use the time effectively for the employee's own purposes are not hours worked. The employee is not completely relieved from duty and cannot use the time effectively for the employee's own purposes unless the employee is told in advance that the employee may leave the job and that the employee will not have to commence work until a specified hour has arrived. Whether the time is long enough to enable the employee to use the time effectively for the employee's own purposes depends upon all of the facts and circumstances of the case. (3) On-call time: An employee who is required to remain on-call on the employer's premises or so close thereto that the employee cannot use the time effectively for the employee's own purposes is working while &quot;on-call&quot;. An employee who is not required to remain on the employer's premises but is merely required to leave word at the employee's home or with company officials where the employee may be reached is not working while on-call.</td>
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<td>Pennsylvania</td>
<td>231.1</td>
<td>Hours worked—The term includes time during which an employee is required by the employer to be on the premises of the employer, to be on duty or to be at the prescribed work place, time spent in traveling as part of the duties of the employee during normal working hours and time during which an employee is employed or permitted to work; provided, however, that time allowed for meals shall be excluded unless the employee is required or permitted to work during that time, and provided further, that time spent on the premises of the employer for the convenience of the employee shall be excluded.</td>
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<td>Rhode Island</td>
<td>28-12-3.2</td>
<td>Wages for failure to furnish shift work.—An employer who requests or permits any employee to report for duty at the beginning of a work shift and does not furnish at least three (3) hours work on that shift, shall pay the employee not less than three (3) times the regular hourly rate. In the event that an employee reports for duty at the beginning of a work shift and the employer offers no work for him or her to perform, the employer shall pay the employee not less than three (3) times the regular hourly rate.</td>
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<td>South Carolina</td>
<td>19-705.07</td>
<td>C. On-Call Pay — On-call pay is pay by the employing agency for classifications of employees in the entire agency or any portion of the agency to remain available to return to work within a specified period of time. The Office of Human Resources must approve on-call pay for employees. D. Call Back Pay — Call back pay is pay by the employing agency for an employee to report to work either before or after normal duty hours to perform emergency services. Each agency shall determine which groups of employees shall be subject to call back. Nonexempt employees shall be compensated for hours worked as a result of a call back at their regular hourly rate plus any shift differential for which they might be eligible and such time shall be counted in computing any overtime that may be due. When an employee is called back for emergency services which require less than two hours on the job, or when no work is available when he reports, the employee shall be compensated a minimum of two hours. An employee shall not receive call back pay if: 1. The call back has been canceled and the employee received notice in advance not to report to work; or 2. The employee refuses alternate work that is offered upon reporting to work. E. Special Assignment Pay — The Office of Human Resources may approve additional compensation to classifications of employees in the entire agency or any portion of the agency for periods of time when he is on special assignment if circumstances warrant such approval based on guidelines established by OHR.</td>
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<td>Utah</td>
<td>R477-8-1</td>
<td>Work Period. (1) The state's standard work week begins Saturday and ends the following Friday. Agencies may implement alternative work schedules from among those approved by the Executive Director, DHRM. (2) State offices are typically open Monday through Thursday from 7 a.m. to 6 p.m. Agencies may adopt extended business hours to enhance service to the public. (3) Agency management shall establish work schedules and may approve a flexible starting and ending time for an employee as long as scheduling is consistent with overtime provisions of Section R477-8-4. (4) An employee is required to be at work on time. An employee who is late, regardless of the reason including inclement weather, shall, with management approval, make up the lost time by using accrued leave,</td>
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leaves without pay or adjusting their work schedule. (5) An employee's time worked shall be calculated in increments of 15 minutes. This rule incorporates by reference 29 CFR 785.48 for rounding practices when calculating time worked.

**Virginia**

9.1-700. Definitions. As used in this chapter, unless the context requires a different meaning:

"Employer" means any political subdivision of the Commonwealth, including any county, city, town, authority, or special district that employs fire protection employees except any locality with five or fewer paid firefighters that is exempt from overtime rules by 29 U.S.C. § 207 (k). "Fire protection employee" means any person, other than an employee who is exempt from the overtime provisions of the Fair Labor Standards Act, who is employed by an employer as a paid firefighter, paramedic, emergency medical technician, rescue worker, ambulance personnel, or hazardous materials worker who is (i) trained in fire suppression and has the legal authority and responsibility to engage in fire suppression, and is employed by a fire department of an employer; and (ii) engaged in the prevention, control, and extinguishment of fires or response to emergency situations where life, property, or the environment is at risk. "Law-enforcement employee" means any person who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth, other than an employee who is exempt from the overtime provisions of the Fair Labor Standards Act, and who is a full-time employee of either (i) a police department or (ii) a sheriff's office that is part of or administered by the Commonwealth or any political subdivision thereof. "Regularly scheduled work hours" means those hours that are recurring and fixed within the work period and for which an employee receives a salary or hourly compensation. "Regularly scheduled work hours" does not include on-call, extra duty assignments or any other nonrecurring and non-fixed hours.

49.28.080 (1) No male or female household or domestic employee shall be employed by... (1) No male or female household or domestic employee shall be employed by any person for a longer period than sixty hours in any one week. Employed time shall include minutes or hours when the employee has to remain subject to the call of the employer and when the employee is not free to follow his or her inclinations. (2) In cases of emergency such employee may be employed for a longer period than sixty hours. (3) Any employer violating this section is guilty of a misdemeanor.

**Washington**

WAC 296-126-002 (8) --"Hours worked" shall be considered to mean all hours during which the employee is authorized or required by the employer to be on duty on the employer's premises or at a prescribed work place.

42-8-9. Principles for determination of hours worked. 9.1. The workweek. — The workweek includes all time during which an employee is necessarily required to be on the employer's premises on duty or at a prescribed work place. 9.2. Nonwork time. — Periods during which an employee is completely relieved from duty and which are long enough to enable him or her to use the time effectively for his or her own time are not hours worked. 9.3. Work time. — The employee whose time is spent in physical or mental exertion under control and direction of the employer constitutes hours worked. 9.4. General work. — General work not requested but allowed or permitted is work time. 9.5. Preparation to work. — Changing of clothes or washing when indispensable to the employee's work or is required by law, or rules or regulations or by rule of the employer constitutes hours worked. 9.6. Preliminary or postliminary activity. — Changing of clothes or washing when by contract, custom or practice is a preliminary or postliminary activity constitutes hours worked. 9.7. Waiting time. — General waiting time will be counted as hours worked when based on the fact that the employee was engaged to wait.

9.10. On-call time. — On-call time: (a) An employee who is required to remain on-call on the employer's premises, or so close thereto, or at his or her home so that he or she cannot use the time effectively for his own purposes is working while on-call. (b) An employee who is not required to remain on the employer's premises but is merely required to leave word at his or her home or with his employer where he may be reached is not working while on-call. 9.11. Extended periods on duty — duty of twenty-four (24) hours or more: (a) Where an employee is required to be on duty twenty-four (24) hours or more, the employer and employee may agree on a bona fide meal period and a bona fide regularly scheduled sleeping period of not more than eight (8) hours from hours worked, provided adequate sleeping facilities are furnished by the employer and the employee can usually enjoy an uninterrupted night's sleep. Where no expressed or implied agreement to the contrary is present, the eight (8) hours of sleeping time and lunch periods constitute hours worked. (b) If the sleeping period is
Wisconsin

272.12 Interpretation of hours worked. (1) PRINCIPLES FOR DETERMINATION OF HOURS WORKED. (a) General requirements of sections. 1. Employees subject to the statutes must be paid for all time spent in "physical or mental exertion (whether burdensome or not) controlled or required by the employer and pursued necessarily and primarily for the benefit of the employer's business." The workweek ordinarily includes "all time during which an employee is necessarily required to be on the employer's premises, on duty or at a prescribed work place." 2. "Workday," in general, means the period between "the time on any particular workday at which such employee commences their principal activity or activities" and "the time on any particular workday at which they cease such principal activity or activities." The "workday" may thus be longer than the employee's scheduled shift, hours, tour of duty, or time on the production line. Also, its duration may vary from day to day depending upon when the employee commences or ceases their "principal" activities. (2) APPLICATION OF PRINCIPLES. (a) Employees "suffered or permitted" to work. 1. General. Work not requested but suffered or permitted is work time. For example, an employee may voluntarily continue to work at the end of the shift. They may be a pieceworker, they may desire to finish an assigned task or they may wish to correct errors, past work tickets, prepare time reports or other records. The reason is immaterial. The employer knows or has reason to believe that they are continuing to work and the time is working time. 2. Work performed away from the premises or job site. The rule is also applicable to work performed away from the premises or the job site, or even at home. If the employer knows or has reason to believe that the work is being performed, they must count the time as hours worked. 3. Duty of management. In all such cases it is the duty of the management to exercise its control and see that the work is not performed if it does not want it to be performed. It cannot sit back and accept the benefits without compensating for them. The mere promulgation of a rule against such work is not enough. Management has the power to enforce the rule and must make every effort to do so. (b) Waiting time. 1. General. Whether waiting time is time worked depends upon particular circumstances. The determination involves "scrutiny and construction of the agreements between particular parties, appraisal of their practical construction of the working agreement by conduct, consideration of the nature of the service, and its relation to the waiting time, and all of the circumstances. Facts may show that the employee was engaged to wait, or they may show that he/she waited to be engaged." 2. On duty. A stenographer who reads a book while waiting for dictation, a messenger who works a crossword puzzle while awaiting assignments, a firefighter who plays checkers while waiting for alarms and a factory worker who talks to fellow employees while waiting for machinery to be repaired are all working during their periods of inactivity. The rule also applies to employees who work away from the plant. For example, a repairperson is working while they wait for their employer's customer to get the premises in readiness. The time is work time even though the employee is allowed to leave the premises or the job site during such periods of inactivity. The periods during which these occur are unpredictable. They are usually of short duration. In either event the employee is unable to use the time effectively for their own purposes. It belongs to and is controlled by the employer. In all of these cases waiting is an integral part of the job. The employee is engaged to wait. 3. Off duty. Periods during which an employee is completely relieved from duty and which are long enough to enable them to use the time effectively for their own purposes are not hours worked. They are not completely relieved from duty and cannot use the time effectively for their own purposes unless they are definitely told in advance that they may leave the job and that they will not have to commence work until a definitely specified hour has arrived. 4. On-call time. An employee who is required to remain on call on the employer's premises or so close thereto that they cannot use the time effectively for their own purposes is working while "on call." An employee who is not required to remain on the employer's premises but is merely required to leave word at their home or with company officials where they may be reached is not working while on call.

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ADM-PD-9 7. (f) On-Call Pay. A non-exempt employee who is required to remain on the agency's premises or so close that the time cannot be used effectively for their own purposes, is working "on-call" and such time shall be considered as hours worked. (i) An agency may develop an on-call policy or an after-hours response policy to address restrictions placed on a non-exempt employee who is not required to remain on the agency's premises, but is merely required to leave word at home or with agency officials where the employee may be reached. On-call pay shall not exceed a maximum of
$2.50 per hour. On-call pay policies or an after-hours response policy shall receive prior written approval by the Human Resources Division. (g) **Call-Back Pay.** A non-exempt employee who is called back to work during other than normally scheduled work hours shall be paid for a minimum of two (2) hours worked. Only actual hours worked during the call-back period shall be used to determine total hours worked for the workweek.