

## **Personnel Rule 3.8 – Standby Pay**

### **3.8.0 Authority**

SMC 4.04.040 and subsequent revisions thereto, Administration

SMC 4.04.050 and subsequent revisions thereto, Rule-Making Authority

SMC 4.21 and subsequent revisions thereto, Standby Duty

### **3.8.1 Definitions**

- A. "Appointing authority" shall mean the head of an employing unit authorized by ordinance or City Charter to employ others on behalf of the City, or a designated management representative. The term includes and can be used interchangeably with department head, department director, superintendent or chief.
- B. "Hourly employee" shall mean an employee who is compensated on an hourly basis for each hour of work performed, including time worked beyond 40 hours in a work week.
- C. "Salaried employee" shall mean an employee who is not covered by the Fair Labor Standards Act who regularly receives each pay period a predetermined amount constituting all or part of compensation. This base salary cannot be reduced because of variations in the quality or quantity of work performed.
- D. "Standby duty" shall mean the formal assignment by the appointing authority or a designated management representative to an employee of the responsibility to respond to emergencies during the employee's non-working hours. The act of carrying a pager or other such communication device does not, in itself, constitute standby duty.
- E. "Standby pay" shall mean the compensation paid to an hourly employee who is assigned to standby duty.

### **3.8.2 Application of this Rule**

- A. This Rule applies to regularly appointed employees whose titles are identified as not ineligible for overtime compensation in the City's Salary Schedule and Compensation Plan.
- B. For regularly appointed employees who are represented under the terms of a collective bargaining agreement, this Rule prevails except where it conflicts with the collective bargaining agreement, any memoranda of agreement or understanding signed pursuant to the collective bargaining agreement, or any recognized and established practice relative to the members of the collective bargaining agreement.
- C. This Rule does not apply to individuals who are employed under the terms of a grant that includes compensation provisions that conflict with this Rule

- D. This Rule does not apply to individuals hired by the City on a temporary, intermittent or seasonal basis, or for a work schedule of fewer than 20 hours per week, nor does it apply to individuals hired under contract to the City.
- E. Appointing authorities may establish written policies and procedures for the implementation and administration of this Rule to facilitate the management of the personnel system within their employing units, provided that such procedures do not conflict with the provisions of this Rule.

### **3.8.3 Standby Pay**

- A. The appointing authority may assign and compensate hourly employees to perform standby duty based upon reasonable criteria which include the likelihood of the occurrence of an off-hours emergency, the nature of the potential emergency, and the consequences of delaying response to the emergency until normal working hours. Salaried employees may be assigned standby duty but do not receive extra compensation for the assignment.
- B. An employee who is assigned standby duty must remain available to be contacted by the employing unit in the event of an emergency, and must be able to respond, by telephone within 15 minutes, or in person within a timeframe established by the appointing authority, of being contacted.
- C. An hourly employee who is assigned to remain on standby to perform the duties of his or her class will receive 10% of his or her regular straight-time hourly pay rate for each hour on standby duty.
- D. An hourly employee who is assigned to remain on standby to perform the duties of another class will be paid 10% of the regular straight-time hourly rate of pay for each hour on standby duty as follows:
  - 1. If the employee's regular straight-time rate of pay is within the salary range or pay zone of the other class, standby pay will be calculated on his or her actual rate of pay.
  - 2. If the employee's regular straight-time rate of pay is higher than the maximum rate of the salary range or pay zone of the other class, the employee will receive 10% of the top step of the salary range or pay zone of the class in which he or she is assigned standby duty.
  - 3. If the employee's regular straight-time rate of pay is lower than the minimum rate of the salary range or pay zone of the other class, the employee will receive 10% of the first step of the salary range of the class in which he or she is assigned standby duty.
- E. When an hourly employee assigned to standby duty responds to an emergency or other problem for which he or she has been called, standby pay will be discontinued and overtime or regular pay will commence upon arrival at the work site, as defined by the appointing authority.
- F. The appointing authority shall maintain standby duty schedules so that affected employees have adequate notice of when they are scheduled for assignment to standby duty.