

City of Mission Viejo Personnel Policy

Subject: **ON-CALL DUTY**

Statement of Intent:

To establish a uniform procedure for administering on-call duty for exempt and non-exempt employees within the City. It is beneficial to the City to have employees on-call to handle emergencies. The City chooses to have the ability to have certain employees available 24 hours a day, seven (7) days a week, holidays included, capable of responding to a variety of situations including, but not limited to those, which may pose a threat to public health, safety, and/or welfare. In accordance with Municipal Code chapter 2.60 "Personnel System", the City Manager delegates the administration of the procedures within this policy to the Department Directors.

Policy:

1. This policy applies to both exempt and non-exempt classifications of employees of the City of Mission Viejo, except as otherwise stated below. The Department Head, or a designee, will determine employees subject to on-call duty.
2. An employee is assigned to on-call duty for the purposes of being ready and able to handle emergency situations arising at times other than during normal working hours. An employee assigned to on-call duty is expected to maintain a state of mental alertness and physical dexterity similar to that which is required for performance of their regular duties.
3. The employee assigned to on-call duty is free to engage in personal activities during the on-call waiting period, but is required to:
 - a. be reachable by telephone, pager, or other communications device during all non-regular working hours;
 - b. be able to report to work within a reasonable time from receipt of the contact;
 - c. to refrain from activities which might impair their ability to respond or perform assigned duties in a satisfactory manner; and,
 - d. notify their supervisor in the event they are unable to cover their scheduled on-call assignment due to illness, family emergency, etc.
4. While assigned to on-call duty, an employee is required to field all telephone calls, pages, and other communications. Responses may include, but are not limited to, returning to the City to respond to the call, notifying a contractor of a service request, notifying an employee from another department/division of the need to respond, speaking with a citizen, and following-up on calls related to the situation at hand.

5. On-call duty assignments, shift hours, and days worked will be recommended by the supervisor, and approved by the Department Head, or a designee. The City Manager has the exclusive right to determine the need for on-call duty.
6. It is the intent of this policy to provide after hours coverage for emergency situations. It is not the intent of this policy to use on-call duty assignments as a reward or retribution.
7. Exceptions to this policy must be approved by the Department Head, or a designee.
8. When an employee is assigned on-call duty by the department head or a designee, the employee shall whenever feasible, be informed in writing, at least seven (7) days in advance, of the dates and hours of the assignment. Exceptions to this provision would include, but are not limited to, coverage for an employee that is ill and the need for additional employees due to potential eminent natural emergencies.
9. On-call duty shall, whenever possible, be assigned to employees on a rotating voluntary basis. When voluntary assumption of on-call duty by employees is insufficient to meet the needs of the department, then the department head or a designee will assign such duty.
10. An employee assigned to on-call duty can trade or relinquish their assignment, when another employee has agreed to accept the on-call duty. The department head or a designee must pre-approve trading of on-call assignments.
11. No employee will be assigned on-call duty while on comprehensive annual leave.
12. The following provisions of this Policy apply only to non-exempt employee classifications:
 - a. On-call duty pay is in addition to any other compensation to which the employee is otherwise entitled. An employee who receives and responds to a telephone call(s), page(s), and other communication(s) during on-call duty and does not physically respond to a City work location shall be compensated for the time spent on the telephone call(s), page(s), and other communication(s) in accordance with the City's Hours of Work policy.
 - b. Any responses to calls, pages, and other communications during the on-call duty, in which the employee physically returns to the workplace, shall be compensated in accordance with the Callback pay provisions of the City's Personnel Policies.
 - c. An employee who is assigned to on-call duty, but is unable to respond to a call, page, and other communication for service during an assigned shift shall forfeit compensation for that shift assignment.
13. Employees assigned to On-Call duty shall be compensated at the rate of two (2) hours of straight-time compensation for any assignment beginning Monday through Friday

and at the rate of three (3) hours of straight-time compensation for any assignment beginning on either a Saturday or Sunday. Employees will be compensated at four (4) hours of straight-time per assignment when they are assigned consecutive Saturday and Sunday shifts. Pay will be credited to the day in which the first hour of on-call duty is assigned. On-call assignments are for a full shift and pay will not be pro-rated.

14. Any on-call duty shift that includes a City Observed Holiday shall be compensated at six (6) additional hours of straight-time compensation.
15. Employees participating in the Winter Closure will be paid six (6) additional hours of straight-time compensation per shift of on-call duty that is assigned for any of the non-holiday days between the City Observed Holidays.
16. Hours that an employee is assigned on-call duty shall not be considered hours worked for the purpose of computing overtime nor comprehensive annual leave.
17. On-call duty pay cannot be converted to compensatory time.

Administration:

In accordance with City of Mission Viejo Municipal Code chapter 2.60 "Personnel System", this Personnel Policy is deemed to have a direct financial impact on the City. City Council approval is required prior to initial implementation and for any subsequent amendments.

Implemented:	Resolution No. 95-79, April 24, 1995.
Amended:	Resolution No. 05-99, August 27, 2005.
Amended:	By City Manager, October 3, 2007.
Amended:	Resolution No. 09-52, November 2, 2009.
Revised:	By City Council on October 24, 2023, to be effective October 28, 2023 – Resolution No. 23-41