City of Lincolnton
114 West Sycamore Street
P. O. Box 617
Lincolnton, North Carolina
28093-0617

Human Resources Department
Phone (704) 736-8980
FAX (704) 736-8975
www.lincolntonnc.org

**MEMORANDUM**

To: Mayor and City Council Members

Through: Ritchie Haynes, City Manager

From: Tanya Osborne, Human Resources Director

Re: Revision to City of Lincolnton Personnel Policy:
Article IV Section 14 On-Call Policy
Article IV Section 15 Call Back Compensation

Date: February 26, 2026

During a Financial Procedures meeting conducted by the Finance Department, several department directors requested the Personnel Policy sections related to On-Call and Call Back be reviewed for potential revisions. These two policies address compensation for departments who have employees which may need to report back to work after normal operating hours.

The on-call policy addresses compensation for the employee who is assigned to be in a "state of readiness" after normal work hours. Being in the "state of readiness" places limitations on the employee's activities after work, and there is compensation of one hour of regular pay for each of the days the employee is in the on-call status.

The call back policy addresses compensation for employees who are called to come back to work to assist the on-call employee. The call back employees receive a minimum of two hours pay when called back to work.

The main issues identified by the department directors included:

1. The wording in the On-Call policy does not allow the on-call employee to use other types of leave during regular work hours.

    Example: The on-call employee leaves work during regular work hours to take a sick child to a doctor appointment and submits 3 hours of sick time for the day. The employee is still available to perform on-call after the regular work day hours. The current policy wording does not allow the one hour of on-call pay due to the sick hours submitted.

2. The wording in the On-Call policy does not allow the on-call employee to use the designated one hour of on-call pay toward meeting regular hours.

Example: In the previous example, the employee used three hours of sick time for the child's doctor appointment. Directors would like the on-call employee to be able to use the one hour of on-call pay in lieu of other accruals if the employee chooses. If this was allowed, in this example, the on-call employee could use two hours sick time and the one hour of on-call to equal the three hours needed for the work day.

3. The two hour minimum wording in the Call Back policy potentially excludes the on-call employee from receiving the same amount of compensation as an employee who is called back to work after hours to assist with the emergency.

Example: If the on-call employee needs another employee to assist with the after-hours emergency, the call back employee will have a minimum of two hours of pay. If the emergency is completed in less than two hours, the call back employee has earned the minimum of two hours, but the on-call employee is only compensated for the one hour plus actual time worked after one hour. With the current policy wording the call back employee may be compensated for more than the on-call employee.

To address the above noted issues, the following Personnel Policy revisions, which are highlighted, are submitted. The proposed revisions have been reviewed by Pam McBryde, Todd Elmore, Nathan Eurey, Brent Turner and Scott Clark.

## Council Consideration and Potential Action:

Approval of the revision of *The City of Lincolnton Personnel Policy, Article IV, Section 14 On-Call Pay and Section 15 Call Back Compensation* with an effective date of March 6, 2026.

City of Lincolnton Personnel Policy
Proposed Revisions: Article IV Sections 14 and 15
Proposed Effective Date: March 6, 2026

**SECTION 14: ON-CALL PAY:**

The City must provide a variety of critical services 24 hours a day, 7 days a week, and the need for these services may occur after business hours when employees who have the required skills are not on duty. As a result, the City must be assured that skilled employees are always readily available by placing some employees in an on-call status. One of the conditions of employment with the City is the acceptance of a share of the responsibility for continuous service, in accordance with the nature of each job position. Employees who are serving on-call must be able to report to work quickly and be fit for duty. Because these requirements may restrict an employee's mobility and off-duty activities, the City offers compensation to on-call employees.

On-call compensation will apply to certain non-exempt employees who are required by their department to be in a state of on-call for a designated period of time to respond to after-hours emergencies. These employees will be compensated for one (1) hour of pay at straight time for each day (day defined as a period of 24 consecutive hours) of on-call they serve. In order to qualify for on-call pay the following will apply:

1. On-call status in a work group must be regularly shared by more than one employee, and the assignments must be based on a rotating schedule.
2. The assignment must be on a recurring basis, not a one-time assignment.
3. The employee must serve on-call for a specified period (usually 7 consecutive days) which is designated ahead of time. The on-call period may differ depending upon departmental needs.
4. The beginning and ending of on-call times must be clearly established and communicated to the employee.
5. The employee must respond to the call within the time frame established by the department, and if needed, must report to work within the time frame established by the department. An employee who fails to respond within the designated time frame will be removed from the schedule, forfeit on-call pay for the entire rotation and be subject to disciplinary action for unsatisfactory job performance.
6. ~~An employee may not receive on-call pay for any period in which he/she is in a leave status of any kind~~.

On-call hours do not count as hours worked for the purposes of:

1. Calculating eligibility for overtime
2. ~~Meeting an employee's scheduled work hour requirements~~
3. Meeting eligibility requirements for Family Medical Leave

4. Sick, vacation, or any other leave accruals

Pay for hours actually worked while serving on-call are calculated beginning when the employee reports to the work site, and are added to the regular total of hours worked for the week.

Other factors related to on-call are as follows:

1. Employees may request in advance to have a substitute cover for them for a designated portion of the on-call time for reasons acceptable to and approved by the supervisor.
2. If an on-call employee becomes unable to remain in an on-call status or report to their assignment due to an emergency, the employee must notify the department designee as soon as possible.
3. The employee must be capable of performing all assigned duties, and be in a state of "work readiness". Work readiness is defined as a state, whether physical, mental or emotional, in which an individual is ready, willing, and able to perform their assigned task competently and safely.

**SECTION 15: CALL BACK COMPENSATION:**

Any City employee except public safety, eligible for overtime compensation under this policy will be guaranteed a minimum of two (2) hours work time for being called back to work outside of normal working hours. No more than two (2) hours of guaranteed time per 24 hours will be credited regardless of the number of call backs. Should more than two (2) hours actual work be required for the purpose of the call back, then work time for the actual hours will be credited. Call back provisions do not apply to previously scheduled overtime work. ~~or employees who are called to work while serving in an On-Call capacity.~~