

MOHAVE COUNTY SUPERIOR COURT POLICY AND PROCEDURE

TITLE: 7.4 CALL BACK PAY AND SHIFT EXTENSIONS

EFFECTIVE DATE: 02/09/2017

REVISED DATE: 11/06/2017

7.41 Call Back Time and Pay

A. A FLSA non-exempt employee who is called back to work in a non-scheduled or emergency situation outside of the employee's regularly scheduled shift shall be compensated at the rate of one and one-half (1.5) times the employee's regular hourly rate or compensatory time.

B. In no case shall a FLSA non-exempt employee who responds to such call back receive compensation for less than one (1) hour of time worked.

C. Time credited for callback shall include any such time the FLSA non-exempt employee is actively engaged in work activity, which includes reasonable commute time.

D. Call Back during the week of scheduled PTO: If a FLSA non-exempt employee has scheduled paid time off (PTO) that has been approved by the supervisor, and the employee is called back to work during the week of scheduled PTO, the employee may choose to either (a) apply both the scheduled PTO and the call back time toward the employee's work week, or (b) apply the call back time toward the scheduled work week and save the unused PTO for future use. To illustrate how this works, refer to the following example:

- a. Employee A is regularly scheduled to work forty (40) hours during the work week. Employee A would like to take paid time off (PTO). Employee A submits a request, and receives approval, to take forty (40) hours of PTO during a scheduled work week in the near future. During the week that Employee A is on approved PTO, employer calls Employee A back to work due to an emergency situation. Employee A works ten (10) hours of call back time during the week he was scheduled to take PTO.

At the conclusion of the week, Employee A may calculate his work time as follows:

- (i.) Submit forty (40) hours of scheduled PTO and ten (10) hours of call back time, for a total of fifty (50) hours (employee shall be compensated at the employee's regular hourly rate of pay for 40 hours, and at the rate of one and one-half (1.5) times the employee's regular rate of pay for the 10 hours of call back time), or
- (ii.) Submit thirty (30) hours of scheduled PTO and ten (10) hours of call back time, for a total of forty (40) hours worked (employee shall be compensated at the employee's regular hourly rate of pay for 30 hours, and at the rate of one and one-half (1.5) times the employee's regular rate of pay for the 10 hours of call back time).

E. Option of Using Unpaid Time Off or PTO after Call Back: At the conclusion of call back work, if the FLSA non-exempt employee is scheduled to begin working an upcoming shift within the next eight (8) hours, the employee's supervisor may allow the employee to have unpaid time off on a straight hour-for-hour basis in lieu of the scheduled shift (or a portion of the shift if the call back time does not cover the entire shift period). When making this decision, the supervisor shall consider the employee's safety and minimizing the risk of harm to others. To illustrate how this works, refer to the following example:

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- a. A FLSA non-exempt employee is scheduled to work a daily eight (8) hour shift Monday through Friday from 8 am to 4 pm. Upon completing Tuesday's shift the Employee leaves work at 4pm but is called back to work on the same day at 7pm. The employee works from 7pm until 3am (Wednesday) for a total of eight (8) hours of call back time. The employee is scheduled to begin his next shift on Wednesday at 8am. The employee's supervisor may give the employee unpaid hour-for-hour time off of eight (8) hours in lieu of Wednesday's shift, or allow the employee to use straight hour-for-hour PTO time of eight (8) hours in lieu of working Wednesday's shift.

Under this section, the PTO or straight time off may only be used for the scheduled shift immediately following the call back work.

F. Under no circumstances shall PTO leave be used in advance of accrual. If the employee does not have sufficient PTO to cover the upcoming time, the supervisor shall not offer the employee the use of PTO.

7.42 Shift Extensions

- A. A Shift Extension occurs when a FLSA non-exempt employee arrives to work earlier than the regularly scheduled shift for a non-emergency event or continues to remain at work beyond the conclusion of the regularly scheduled end of the shift. Time worked as a Shift Extension is not call back time. Time worked as a Shift Extension is paid at the FLSA non-exempt employee's regular rate of pay, except in the event of working beyond forty (40) hours in the work week. Any hours worked beyond (40) hours within the scheduled work week shall be paid in accordance with Superior Court Personnel Policies and Procedures Rule 7.35.