



# RICHMOND POLICE DEPARTMENT GENERAL ORDER



Subject: <b>ON-CALL DUTY ASSIGNMENT</b>		Chapter 7	Number 36	Pages 4
References: CALEA Standards:	Related Orders:	Effective Date: <b>08/30/2023</b> Revised By: <b>NEW</b> Prv. Rev. Date: <b>None</b>		
Chief of Police:				

I. PURPOSE

The purpose of this directive is to establish a policy for compensating employees for On-Call Duty Assignments.

II. POLICY

It is the policy of the Richmond Police Department to comply with the Fair Labor Standards Act (FLSA) and applicable law. In adherence with Administrative Regulation 4.7 On-Call Duty, the City will compensate non-exempt employees for on-call duty assignments. Exempt employees are not eligible to receive compensation for on-call duty assignments. An exempt employee, due to professional, executive or administrative status, or any combination thereof, is not eligible for on-call pay.

This policy is intended to serve as a guide, which aims to comply with FLSA requirements, and does not establish any rights for employees in regard to on-call status or pay for on-call assignments that are greater than established by law. Violations of this policy may result in disciplinary action, up to and including dismissal from City service.

III. ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this general order. Failure to comply will result in appropriate corrective action. Responsibility rests with the Division Commander to ensure that any violations of policy are investigated and appropriate training, counseling and/or disciplinary action is initiated.

This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this Department, and then only in a non-judicial administrative setting

#### IV. DEFINITIONS

A. **CALL BACK** – An employee who is directed by supervision to report to work for a specific assignment.

C. **ON-CALL STATUS** – A period of time when an employee is required to remain available outside of his/her normally scheduled work hours “waiting to be engaged” to return to work.

D. **SUBJECT TO CALL BACK STATUS** – An employee whose primary or secondary assignment is reactive in nature. The employee is not given a fixed, rotating schedule and not formally “waiting to be engaged.” The employee is expected to respond to call-outs if able. This status is exempt from daily/weekly “on-call” status compensation.

#### V. PROCEDURE

A. The following procedures shall be observed for on-call duty assignments:

1. On-call duty assignments apply to all hours other than an employee’s regularly scheduled work hours on weekdays and weekends. An employee scheduled for an on-call duty assignment who is on approved sick leave an entire day shall not be eligible for on-call duty on that day. For approved vacation leave, eligibility for on-call duty will be determined by the employee’s Precinct/Division Commander.
2. Employees shall be notified in writing if their position may require on-call duty assignment.
3. Personnel assigned to an on-call duty assignment shall be issued a cell phone.
4. On-call duty assignments shall be determined by the Chief of Police or designee and be given on a rotating basis, when possible.
5. Lineups shall be created and maintained identifying the personnel on-call for each period.
6. Personnel assigned to a Division, Unit, or Team designated as having an on-call status will establish a rotation documented on their lineups. At no time will all members assigned to a Division, Unit or Team be in an on-call status, unless approved by their Precinct/Division Commander.
7. The line-ups for each Division, Unit and Team will be saved and maintained on the [REDACTED]

B. The following non-exempt assignments are eligible for on-call duty compensation and will be based on a scheduled rotation:

##### 1. **Precinct Executive Officers**

**NOTE:** When covering for the Commanding Officers due to training, vacation, sick etc., shall be approved by the Area Major.

2. **Precinct Detectives**
3. **Major Crimes Lieutenants, Sergeants, Detectives and Forensics Investigators**  
(including Sworn and Professional Staff Civilians)
4. **Special Operations Division Crash Team Lieutenants, Sergeants and Investigators**
5. **Crowd Management Team Members (CMT) – Lieutenants and below**
6. **Special Weapons and Tactics Team (SWAT)**
7. **Hostage Negotiators**
8. **Explosive Ordnance Disposal Technicians (EOD)**
9. **Executive Protective Unit (EPU)**
10. **Unmanned Aerial Vehicle Team (UAV)**
11. **Internal Affairs Division Lieutenant and Investigators**
12. **Media Relations**
13. **Computer Services**
14. **Crime Analysis**

C. Rules of Conduct:

1. On-call employees shall remain in a “waiting to be engaged” status to be available to respond to situations outside of the regularly scheduled shift. During an on-call duty assignment while “waiting to be engaged,” an employee is allowed to engage in personal activities and are relieved of all work duties, but required to be accessible by phone or other means established by the Precinct/Division Commander.
2. Employees in a “waiting to be engaged” status shall refrain from the consumption of alcohol or any drugs in the event that the employee must report to work, *as to be in compliance with General Order 4-3 Substance Abuse Policy*.
3. Employees are expected to be available by phone, and if directed, expected to report to their assignment within 1 hour.
4. If the employee has a conflict and is unable to be on-call as scheduled, the employee shall notify his or her immediate supervisor.
5. If an employee is a member of two or more units, which are both eligible for on-call duty pay, i.e. Major Crimes and SWAT, and an employee is placed in on-call duty status for both at the same time, or the periods of on-call duty overlap, then the employee will receive the on-call rate for one, not both.

#### D. Compensation:

1. If a non-exempt employee is immediately called back to work, in person or remotely, within 30 minutes after their regular shift ended and regardless of their on-call duty assignment, the employee will receive their regular pay rate and overtime pay, when applicable.
2. Non-exempt employees in a “waiting to be engaged” status and whose positions are approved by *the City’s Department of Human Resources (DHR)* for additional compensation for serving in an on-call duty assignment will be paid, in addition to their regular pay rates, according to one, and only one, of the following:
  - a) A flat rate for each full weekly period of assigned on-call duty;
  - b) A flat rate for each full weekly period of an on-call duty assignment, if a designated City holiday(s) occurs within that week;
  - c) A flat rate for each day of regularly scheduled work hours on-call duty; or
  - d) A flat rate for any designated City holiday(s) based on the regularly scheduled work hours.

The flat rate amounts will be calculated and published by the DHR at the beginning of each calendar year

3. Employees that are in on-call status and use any form of leave (sick, vacation, FMLA, etc.) will not receive the flat rate for each day of leave taken while “waiting to be engaged.”
4. Employees activated from on-call status to Call Back status will receive both the flat rate and overtime pay at 1.5 times the employee’s regular hourly rate.

#### E. Supervisor Responsibilities:

1. Enter the on-call schedule for their personnel prior to the 14-day cycle in the “Build a Schedule” module in POSS.
2. Input all leave taken by the on-call personnel on the “Build a Schedule” module.
3. Electronically sign and submit the employee’s on-call schedule into POSS on a weekly basis. The deadline is 11:59PM every Friday.

#### VI. FORMS

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