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**By: Senators Trotter, Young, Hughes, Lawlah, and Stone**

Introduced and read first time: January 31, 1996

Assigned to: Finance

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A BILL ENTITLED

1 AN ACT concerning

2 **State Personnel - On-Call Compensation**

3 FOR the purpose of providing for on-call compensation for certain Stateemployees;  
4 requiring the Secretary to adopt regulations to implement this Act; establishing the  
5 rate of on-call compensation; requiring the Secretary to determine the rate of a  
6 certain allowance; specifying the time period within which State employees must be  
7 paid for on-call compensation; defining certain terms; and generallyrelating to  
8 on-call compensation for certain State employees.

9 BY adding to

10 Article - State Personnel and Pensions  
11 Section 6-501 through 6-506, inclusive, to be under the new subtitle"Subtitle 5.  
12 On-Call Compensation"  
13 Annotated Code of Maryland  
14 (1994 Volume and 1995 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article - State Personnel and Pensions**

18 SUBTITLE 5. ON-CALL COMPENSATION.

19 6-501.

20 (A) IN THIS SUBTITLE THE FOLLOWING TERMS HAVE THE MEANINGS  
21 INDICATED.

22 (B) "ON-CALL" MEANS A TIME PERIOD DURING WHICH:

23 (1) AN EMPLOYEE OF A UNIT IS DESIGNATED BY THE UNIT AS  
24 AVAILABLE TO PROVIDE AFTER-HOURS OR WEEKEND COVERAGE; AND

25 (2) THE EMPLOYEE IS NOT ON THE EMPLOYER'S PREMISES.

26 (C) "SUBSTANTIALLY RESTRICTED" MEANS:

27 (1) THE EMPLOYEE IS REQUIRED TO REMAIN AT HOME WHILE  
28 ON-CALL; OR

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1 (2) THE RESPONSE TIME TO THE UNIT REQUIRES THAT THE EMPLOYEE  
2 REMAIN WITHIN A CERTAIN RADIUS FROM HOME.

3 6-502.

4 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THIS  
5 SUBTITLE APPLIES TO ALL EMPLOYEES, INCLUDING CLASSIFIED, UNCLASSIFIED,  
6 FULL-TIME, PART-TIME, AND PERMANENT EMPLOYEES, OF ALL UNITS IN THE  
7 EXECUTIVE, JUDICIAL, AND LEGISLATIVE BRANCHES OF STATE GOVERNMENT,  
8 INCLUDING ANY UNIT WITH AN INDEPENDENT PERSONNEL SYSTEM.

9 (B) THIS SUBTITLE DOES NOT APPLY TO CONTRACTUAL OR TEMPORARY  
10 EMPLOYEES.

11 6-503.

12 (A) THIS SUBTITLE SHALL BE INTERPRETED AND APPLIED, TO THE EXTENT  
13 APPLICABLE, IN ACCORDANCE WITH THE FEDERAL FAIR LABOR STANDARDS ACT.

14 (B) ALL EMPLOYEES SUBJECT TO THIS SUBTITLE ARE ENTITLED TO THE  
15 GREATER OF:

16 (1) THE BENEFITS PROVIDED IN THIS SUBTITLE; OR

17 (2) TO THE EXTENT APPLICABLE, THE BENEFITS REQUIRED BY THE  
18 FEDERAL FAIR LABOR STANDARDS ACT.

19 6-504.

20 (A) (1) AN EMPLOYEE WHO IS SCHEDULED TO BE ON-CALL FOR THAT  
21 EMPLOYEE'S UNIT IS ENTITLED TO ON-CALL COMPENSATION AT THE EMPLOYEE'S  
22 REGULAR RATE OF PAY FOR TIME SPENT RESPONDING TO A WORK RELATED  
23 SITUATION, INCLUDING:

24 (I) TIME SPENT COMMUTING; AND

25 (II) TIME SPENT CONSULTING ON THE TELEPHONE CONCERNING  
26 THE WORK RELATED SITUATION.

27 (2) AN EMPLOYEE WHOSE PERSONAL ACTIVITIES ARE SUBSTANTIALLY  
28 RESTRICTED BY THAT EMPLOYEE'S UNIT IS ENTITLED TO AN ALLOWANCE FOR THE  
29 RESTRICTION AT A FLAT RATE OF PAY AS DETERMINED BY THE SECRETARY.

30 (B) AN EMPLOYEE WHO IS SCHEDULED TO BE ON-CALL FOR THAT  
31 EMPLOYEE'S UNIT AND WHO IS REQUIRED TO WEAR A BEEPER IS ONLY ENTITLED  
32 TO COMPENSATION AS PROVIDED IN SUBSECTION (A)(1) OF THIS SECTION, UNLESS  
33 THE EMPLOYEE'S PERSONAL ACTIVITIES ARE SUBSTANTIALLY RESTRICTED.

34 6-505.

35 PAYMENT FOR ON-CALL WORK SHALL BE MADE ON OR BEFORE THE DAY THE  
36 EMPLOYEE IS PAID FOR THE SECOND PAY PERIOD FOLLOWING THE PAY PERIOD IN  
37 WHICH THE PAYMENT FOR ON-CALL WORK IS EARNED.

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1 6-506.

2 THE SECRETARY SHALL ADOPT REGULATIONS TO PREVENT THE FAILURE TO  
3 GRANT ON-CALL COMPENSATION.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5 October 1, 1996.