



# County Technical Assistance Service

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## On-Call Pay

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Dear Reader:

The following document was created from the CTAS electronic library known as e-Li. This online library is maintained daily by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other e-Li material.

Sincerely,

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## On-Call Pay

**Reference Number:** CTAS-968

If an employee who is “on call” is free to use the time as he or she pleases, not confined to home or any particular place but required only to leave word where he or she may be reached, the hours spent “on call” generally are not regarded as working time. The FLSA does not require any compensation for carrying a beeper or being on call. However, if the employer chooses to pay the employee for this non-working time, the payment must be included in the employee’s regular rate of pay even though it is not attributable to any specific hours worked.<sup>[1]</sup> For example, an employee is paid \$8.00 an hour for 40 hours of work and is paid \$25.00 for being on call over the weekend. If the employee is called back for four hours of work over the weekend, the employee’s regular rate would be computed as follows: the employee’s total straight time pay is \$320.00 (40 hours x \$8.00) plus \$25.00 “on call” pay plus \$32.00 for four weekend hours of work, or \$377.00. Dividing the employee’s total earnings of \$377.00 by 44 hours of work yields a regular rate of \$8.57 for the employee. One-half the regular rate (\$4.29) times four overtime hours equals \$17.16 of overtime pay due the employee, making the total pay due the employee \$394.16 for the week.

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[1] See 29 C.F.R. § 778.223.

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