



DEPARTMENT OF THE ARMY
UNITED STATES ARMY INSTALLATION MANAGEMENT COMMAND
EUROPE REGION
UNIT 29353, BOX 200
APO AE 09014-0200

IMEU-HRL

2 September 2010

MEMORANDUM FOR USAG Commanders

SUBJECT: On-Call Duty Provisions for Local National Personnel Assigned to IMCOM-Europe in Germany

This memorandum expires in 1 year.

1. References:

- a. *Arbeitszeitgesetz (ArbZG)* (Work Time Law).
- b. Collective Tariff Agreement (CTA II).
- c. AE Regulation 690-69, USAREUR Implementing Instructions for Collective Tariff Agreement II Provisions and Overtariff Benefits.
- d. AE Regulation 690-99, Time and Attendance Reporting and Control for Local National Employees in Germany.

2. Based on the findings of a recent audit of local national (LN) compensation for on-call duty, garrison commanders must ensure the following:

- a. On-call position requirements that were identified as invalid during the audit have been eliminated.
- b. Managers, supervisors, and timekeepers understand the policy referenced in paragraph 1 and have the necessary training to enforce it. Duties related to scheduling and timekeeping must be segregated as prescribed by AE Regulation 690-99.

3. In addition to the requirements of paragraph 2, commanders will establish and enforce the following procedures to support the provisions of CTA II, Article 9 (as amended on 1 Mar 09), while ensuring that on-call duty requirements are being managed cost-effectively:

- a. Only garrison and deputy garrison commanders may schedule employees for on-call duty to perform emergency services or other unexpected urgent work that cannot be postponed until regular workhours resume.
- b. Only the employees who will do the emergency work will be scheduled for on-call duty. The number of employees placed in an on-call status must be kept to the absolute minimum.

IMEU-HRL

SUBJECT: On-Call Duty Provisions for Local National Personnel Assigned to IMCOM-Europe in Germany

c. Employees may request to be exempt from on-call duty for serious personal reasons, any of which may be grounds for granting the exemption, unless compelling operational reasons prevent it. The following are examples of serious personal reasons that would warrant an employee's exemption from on-call duty:

(1) The employee is a single parent who has to care for a child, because no one else is available to do so.

(2) The employee has to provide home care for a close Family member, because no one else is available to do so.

(3) The employee does not have a privately owned vehicle, and public transportation is not available.

d. Determination of the need for on-call duty and the jobs that require on-call duty are not subject to works council participation. Garrison and deputy garrison commanders are nevertheless encouraged to discuss the need for on-call duty and the scheduling of employees for on-call duty with the works council to ensure good labor relations.

e. On-call duty will be scheduled for periods outside established regular workhours. During on-call duty, employees must be available at the place of their choosing; but the employees must be within easy reach of the employing unit and able to resume work without delay if called. On-call duty does not constitute standby duty or standby service within the meaning of CTA II, Article 9, paragraph 2b. Commanders are encouraged to use DA civilians and military personnel to act as duty officers for garrisons or individual directorates to activate on-call duty.

f. The employing unit will establish the length of on-call duty periods in a duty roster. The roster must be established for a period of at least 1 month and announced no less than 14 days before the on-call duty is required.

g. When called to work during a period of on-call duty, the employee will receive full pay plus any applicable time supplements (CTA II, Art 9) for the hours worked and the time of travel to and from the worksite. For work performed during on-call duty, at least 3 hours will be paid as if they were overtime. Pertinent supplements for night work, as well as for Sunday work and holiday work will be paid only for the actual worktime. Official telephone calls received by the employee during on-call duty will be considered actual work time. If the employee did not have to leave his or her location while on call, and the total time spent answering official telephone calls did not exceed 1 hour, the employee will be paid for 1 hour (including supplements) as if it were overtime. These payments are in addition to the applicable percentage rate of the hourly basic pay.

IMEU-HRL

SUBJECT: On-Call Duty Provisions for Local National Personnel Assigned to IMCOM-Europe in Germany

h. Employees who are paid in accordance with salary groups C9, C10, KD1, KD2, KD3, ZB9, ZB10, and ZB11; civilian support unit supervisors in salary group ZB8; managers; and employees paid special salary rates will receive the applicable percentage rate for on-call duty, but no additional overtime pay or time supplements for the hours worked.

i. If the actual workhours per day, including work performed during on-call duty, exceed 10 hours, the hours worked in excess of 10 hours will be balanced on the following day to ensure that the total hours worked during 1 day do not exceed 10 hours. If, for example, an employee has worked 12 hours on a Tuesday, no more than 8 hours may be worked the next day, which is a Wednesday.

j. According to Article 9, paragraph 8i, CTA II, in accordance with Article 7, paragraph 1, number 3, Work Time Law, the uninterrupted rest period for an employee is 9 hours. The rest period should be further reduced by a shop agreement, which should also allow for interruptions of the rest period if work has to be performed during on-call duty; but an uninterrupted rest period of 6 hours must be observed. An example of this is an employee who is scheduled for on-call duty from 1800 Monday evening to 0600 the next morning and is called back to work from 2100 to 2200 that Monday evening, and again from 0100 to 0300 Tuesday morning. In this situation, the employee did not have an uninterrupted rest period of 6 hours. Accordingly, the employee must not start regular workhours until 0900 the same Tuesday morning. The time, however, between the employee's regular start of work and 0900 would be paid as regular work time.

k. Any block of time less than 15 minutes that is spent answering an official call will not be considered an interruption of a rest period.

1. On-call duty will be reported on time-and-attendance reports as prescribe by AE Regulation 690-99, appendix C (same pay codes as for employees covered by CTA II, appendix K). For reimbursement of incidental and transportation costs, employees will complete AE Form 690-99K and send it to the Foreign Forces Payroll Office along with supporting documents. A statement must be entered in the *Remarks* section to indicate that the reimbursement is being requested in accordance with CTA II, Article 9, paragraph 8f.

4. The POC is Mr. Cox, DSN 370-3352 or e-mail: marc.cox@eur.army.mil.

*Commander's -
Please
manage this
tightly.*



DIANE M. DEVENS
Director