

6.25.25

**ARTICLE 40--PENALTY PAY** (All Coalitions Except ODOT)**Section 1. Call Back Compensation.**

- (a) Call back is an occasion where an employee has been released from duty and is called back to work prior to their normal starting time. On such occasions, the employee's scheduled or recognized shift shall be made available for work, except that the Agency shall not be obligated to work the employee more than twelve (12) consecutive hours and the employee may choose not to work more than twelve (12) consecutive hours, excluding meal periods, of combined call back time and regular shift time.
- (b) An employee who is called back to work outside their scheduled workshift shall be paid a minimum of the equivalent of two (2) hours pay at the overtime rate of pay computed from when the employee actually begins work. After two (2) hours work, in each call back situation, the employee shall be compensated at the appropriate rate of pay for time worked.
- (c) This provision does not apply to telephone calls at home or overtime work which is essentially a continuation of the scheduled workshift.

**Section 2. Reporting Compensation.**

- (a) Reporting time is the time designated or recognized as the start of the daily workshift or weekly work schedule.
- (b) An employee's reporting time may be changed two (2) hours earlier or two (2) hours later, or less, without penalty, if the employee is notified a minimum of twelve (12) hours before the next regularly scheduled reporting time. If the employee's reporting time is changed without proper notice, the employee shall be entitled to a penalty payment of fourteen dollars (\$14.00).
- (c) An employee's reporting time may be changed more than two (2) hours, earlier or later, without penalty, if the employee is notified a minimum of five (5) workdays in advance. If the employee's reporting time is changed without the required notice, the employee shall be entitled to a penalty payment of twenty-one dollars (\$21.00). The penalty payment shall continue until the notice requirement is met or the employee is returned to their reporting time(s), whichever occurs first.

**Section 3. Show-Up Compensation.** An employee who is scheduled for work and reports for work, except for situations addressed in Article 123--Inclement or Hazardous Conditions, and is released from work shall be paid the equivalent of two (2) hours pay at the appropriate rate. When an employee actually begins their scheduled shift, the employee shall be paid for the remainder of the scheduled shift. Part-time hourly paid employees, who actually begin their scheduled shift, shall be paid for the remainder of their scheduled shift.

**Section 4. Modification of Work Schedule.** When a change of work schedule is requested by an employee and approved by the Agency, all forms of penalty pay and daily overtime compensation shall be waived by the employee for the requested change in schedule, but not for work over forty (40) hours per week. Shift differential shall be paid in accordance with Article 26 – Differentials.

**Article 40.1m – Penalty Pay (ODHS-OHA)** When an employee is called to duty on a day off to attend court or administrative hearings if the appearance(s) cannot be rescheduled,

- (a) a minimum of four (4) hours at time and one half (1½) will be guaranteed **for an in-person appearance if that employee is subpoenaed or required to attend by ODHS/the Employer's legal counsel**
- (b) **or a minimum of two (2) hours at time and one half (1 ½) will be guaranteed for a remote appearance. It is the intent of the parties that there shall be no "make work" assigned to employees who are called back to work for court appearances.**

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# 6.25.25 SEIU proposal ARTICLE 40.1m Penalty Pay - For TA

Final Audit Report

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