

## Stand-by Clarification

Department of Administration has received questions regarding the amount of stand-by time allowed during a given day.

Kansas Administrative Regulation (K.A.R.) 1-5-26 defines "Stand-by time" as a period of time outside a non-exempt employee's regularly scheduled hours of work, meaning if an employee is scheduled to work Monday thru Friday 8:00am to 5:00pm with an hour lunch, the maximum amount of stand-by time they are allowed is 15 hours (5:00pm-8:00am), totaling 23 hours of combined regular and stand-by time for one day. If the employee took a half hour lunch then the maximum amount of stand-by time would be 15.5 hours, totaling 23.5 hours of combined regular and stand-by time. **Employees should not be on stand-by during their lunch period or while they are on any type of leave** (Vacation, Sick Leave, etc.).

The justification why an employee does not get stand-by time during their lunch period, nor when the employee is on leave, is because during a regularly scheduled work day the lunch period and leave used is scheduled within the employee's hours of work, and therefore does not meet the definition of stand-by time. In addition, FLSA C.F.R 785.19 states during bona fide meal periods, "The employee must be completely relieved from duty for the purpose of eating...". An agency may place an employee on stand-by time during an official state holiday while receiving holiday credit if it is deemed necessary on an individual basis. "Holiday credit" means pay or credit for paid time off at a straight-time rate.

If an employee is on stand-by time on days the employee is not regularly scheduled, such as on the weekend, it is acceptable for there to be 24 hours of stand-by time reported. As a reminder any time actually worked while on stand-by time must be considered hours of work and should be recorded as hours worked instead of as stand-by. For example, if the employee is receiving 15 hours of stand-by, but ends up working for 4 of those hours, the standby should be changed to 11 hours and the 4 hours worked should be recorded as Regular (or overtime/ compensatory time if the employee has reached the overtime threshold or as holiday compensation if the hours worked are on a holiday). For any additional questions please contact Myles Louderback at 785-296-6895.