

From a Law Firm Site:

When to pay plow drivers for wait time

When storms happen, plow drivers must be ready to hit the ground running. Many drivers are on call, waiting for the snow to fall. It's great to have a team at the ready. **But are you required to pay on-call drivers for the hours they are on call?**

No, most plow drivers do not need to be paid for the time they are on-call. As long as workers are allowed to use their time for their own purposes, you don't need to pay them until they are called in. If your company imposes too many restrictions on on-call workers, however, you may be required to pay them for that time.

Here are some important steps to take to ensure you don't have to pay plow drivers for on-call time.

1. Waiting

Let your workers go home or any place within a reasonable distance of the worksite. If your workers are required to remain onsite—or in the immediate vicinity—they may be entitled to pay for their wait time.

It's fine if you ask workers to stay reasonably close to their worksite—in the metro area, for example. But if you require your workers to stay in a very small area, effectively preventing them from doing things like going to a restaurant or running personal errands, you may be required to pay them for their on-call time.

2. Response time

Any on-call worker will take a few minutes to get out on the road and start their job. How soon you expect workers to be out plowing can be an important factor in determining whether they must be paid. There's no hard and fast rule for how much time you must give workers, however.

In general, try to be as lenient as you can without compromising your ability to get the job done. Set general expectations rather than hard rules, and try not to penalize workers who have a good reason for responding slowly.

3. Alcohol

If your workers are going to be driving plows in a snow storm, it stands to reason that you would want them to stay sober. Luckily, reasonable restrictions on alcohol consumption do not trigger the requirement to pay on-call workers.

4. Frequency of calls

The frequency of calls is another important factor in evaluating whether workers are entitled to pay for time spent on-call. If on-call workers don't get many calls, they probably don't need to be paid for wait time. If workers receive multiple calls per shift, however, they should be paid for those hours. This is not usually an issue for snow services because once you call your workers in for a shift, they almost always stay for the entire snow event.

5. Penalties

Don't penalize workers too harshly for responding slowly. If companies have strict policies and penalties for workers who miss calls, it is far more likely that a court will require them to pay on-call workers. The idea is that strict policies might prevent workers from using their on-call time for their own purposes. If workers know they'll lose their jobs if they don't respond to calls immediately, then it will be difficult for them to do anything but wait.

6. Partial pay

Even if your company isn't legally required to pay workers for the hours that they spend on-call, you may decide to offer some compensation anyway. Many businesses pay on-call workers at a reduced or flat rate for wait-time. There are lots of business reasons to offer this perk, but you should be aware that the on-call bonus is considered part of an employee's regular pay when it comes time to calculate overtime. If you decide to give on-call workers a special bonus, you should make sure that you are paying overtime correctly.

Conclusion

There are no hard and fast rules about when on-call workers must be paid. A good general rule of thumb is that the more restrictions and requirements you place on workers while they are on-call, the more likely it is that they are entitled to pay for that time. In general, snow plow drivers do not need to be paid for time spent on-call. Once you decide on your company policies, you should clearly cover them in your company handbook, and you should follow those policies in the course of business. This one case where having a good handbook can be essential to avoiding litigation.