

108TH CONGRESS
1ST SESSION

H. R. 2996

To amend the Indian Health Care Improvement Act to require that certain technical medical employees of the Indian Health Service be compensated for time during which they are required to be on-call.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 3, 2003

Mr. PETERSON of Minnesota introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Indian Health Care Improvement Act to require that certain technical medical employees of the Indian Health Service be compensated for time during which they are required to be on-call.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. ON-CALL PAY FOR CERTAIN TECHNICAL MED-**
4 **ICAL EMPLOYEES.**

5 Title I of the Indian Health Care Improvement Act
6 (25 U.S.C. 1611 et seq.) is amended by adding at the end
7 the following new section:

1 **“SEC. 125. ON-CALL PAY FOR CERTAIN TECHNICAL MED-**
2 **ICAL EMPLOYEES.**

3 “(a) IN GENERAL.—The Secretary shall pay a tech-
4 nical medical employee of the Service for such time as the
5 technical medical employee is officially scheduled to be on
6 call outside such technical medical employee’s regular
7 hours or on a holiday designated by Federal statute or
8 Executive order for such time as the technical medical em-
9 ployee may be called back to work at a rate that is equal
10 to 10 percent of the amount that is equal to one and $\frac{1}{2}$
11 times such technical medical employee’s hourly rate of
12 basic pay.

13 “(b) TECHNICAL MEDICAL EMPLOYEE.—For the
14 purposes of this section, the term ‘technical medical em-
15 ployee’ includes the following:

16 “(1) MEDICAL TECHNICIAN.—An employee
17 whose position is in the GS–0645 occupational se-
18 ries. Such a position may involve nonprofessional
19 technical work in clinical (medical) laboratories such
20 as performing tests and examinations in one or more
21 areas of work (such as chemistry, blood banking, he-
22 matology, or microbiology) where the reports of find-
23 ings of tests and examinations may be used by phy-
24 sicians in diagnosis, care and treatment of patients,
25 or in support of medical research. The work may re-
26 quire a practical knowledge of the techniques of

1 medical laboratory practice in one or more areas of
2 clinical laboratory work (e.g., blood banking, chem-
3 istry, hematology, microbiology, and cytology) and of
4 the chemistry, biology, and anatomy involved.

5 “(2) MEDICAL TECHNOLOGIST.—An employee
6 whose position is in the GS–0644 occupational se-
7 ries. Such a position may involve one or more of the
8 following:

9 “(A) Technical work subordinate to the
10 work of pathologists or other physicians (or
11 other professional employee) who make the final
12 diagnostic examinations of specimens of human
13 tissues or cell preparations).

14 “(B) Technician work in histopathology in-
15 volving preparation of thin sections of tissue
16 specimens including fixing, clear, infiltrating,
17 embedding, sectioning, staining, and mounting.

18 “(C) Technician work in cytology involving
19 preparation, staining, and examining micro-
20 scopically specimens of body fluids, secretions,
21 and exudations from any part of the body to
22 determine whether cellular structure is normal,
23 atypical, or abnormal.

24 “(D) Work requiring a practical knowledge
25 of the techniques of anatomical laboratory prac-

1 tice in one or both of the areas of laboratory
2 work (i.e. histopathology and cytology) and of
3 the chemistry, biology, and anatomy involved.

4 “(3) DIAGNOSTIC RADIOLOGIC TECHNOLOGIST
5 OR TECHNICIAN.—An employee whose position is in
6 the GS-0647 occupational series. Such a position
7 may involve one or more of the following:

8 “(A) Performing most routine diagnostic
9 radiographic procedures under general super-
10 vision and gains experience in the performance
11 of more difficult techniques and procedures by
12 assisting higher grade technologists.

13 “(B) Operating radiographic equipment to
14 produce x-ray films of chest, joints, feet, hands,
15 long bones of arms and legs, and other routine
16 views of other parts of the body.

17 “(C) Working with outpatients or ambula-
18 tory patients, positions patients, and sets tech-
19 nical factors in accordance with standardized
20 procedures and techniques.

21 “(D) Performing a variety of difficult radi-
22 ographic examinations.

23 “(E) Receiving patients, explaining method
24 of procedure, positions patient, selecting and
25 setting technical factors, setting up and adjust-

1 ing accessory equipment required, and making
2 exposures necessary for the requested proce-
3 dure.

4 “(c) MODIFICATIONS.—The Secretary shall carry out
5 the intent of this section so that it applies to—

6 “(1) subsequent or additional occupational se-
7 ries designations or redesignations; and

8 “(2) modified or additional employee descrip-
9 tions as such modifications or additions are nec-
10 essary to correspond with technological advance-
11 ments.

12 “(d) EXCEPTION FOR RATE OF ON-CALL PAY.—An
13 employee who is eligible for on-call pay under subsection
14 (a) and who was receiving standby premium pay pursuant
15 to section 5545 of title 5 on May 20, 1988, shall, as long
16 as such employee is employed in the same position and
17 work unit and remains eligible for such standby pay, re-
18 ceive pay for any period of on-call duty at the rate equal
19 to the greater of—

20 “(1) the rate of pay which such employee would
21 receive if being paid the rate of standby pay pursu-
22 ant to such section that such individual would be en-
23 titled to receive if such individual were not scheduled
24 to be on call instead, or

1 “(2) the rate of pay which such employee is en-
2 titled to receive including on-call premium pay de-
3 scribed in subsection (a).”.

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