

Can a Property Owner Have a Manager on Call For Emergencies on Shabbos?

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Question: The owner of an apartment building employs a non-Jewish superintendent. He pays him for his work during the week but also needs him to be on call for emergencies on Shabbos. How can he go about this in a permitted way?

Answer: Most managers and superintendents have the status of a *kablan* because they are paid for their work, not by the hour. We said previously that one may not explicitly tell a *kablan* to work on Shabbos. Still, if one needs the super to be on call for emergencies, such as problems with the heating or plumbing, it could be permitted.

The Rishonim speak about a case where a Jew purchased the rights to collect tolls on a certain road. In such a case, he would suffer a tremendous loss if he could not have a non-Jewish worker collecting the tolls for him on Shabbos and the business would be unable to function at all; therefore, Chazal permit him to hire a *kablan* to collect the tolls, even though the work is done in public.

So too, in the case of the super, if no one would be available to take care of emergencies on Shabbos, the landlord would lose tenants and the entire business would be unable to function; therefore, it is permitted to ask him to respond to emergency calls on Shabbos. The halacha is that the worker in such a case should be paid separately for the work he does on Shabbos. In our case of the super, this would mean that his regular salary should be for the work he does during the week, and he should be paid a separate fee specifically for jobs he does on Shabbos.

In cases like this, it is important to ensure that the worker's pay is structured in the permitted way. Another example of this is if a Jew owns a nursing home that employs secretaries who are needed on Shabbos. If they are paid like a *sechir yom*, it would not be permitted to allow them to work on Shabbos. Instead, their pay structure should be arranged in the permitted way for a *kablan*.