

Off Guard

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Q: I was employed during the summer as a lifeguard to supervise a camp's swimming pool. One of my fellow lifeguards was instructed to close the pool at the end of the week, but he misunderstood the directive and shut off the filter. When the mistake was discovered at the beginning of the next week, the pool was filled with algae and not usable. No one knew how long it would take to remedy the problem, so all the lifeguards were told to stand by and be ready to return to work when the phone rang. We were summoned after three days. Must the camp pay me for this period?

A: According to the Shulchan Aruch (C.M. 333), if an employer is unable to utilize the services of an employee due to circumstances beyond the employer's control (Thus, in this case, although it was not your fault that the pool was unusable and no lifeguarding was needed, the employer is still exempt from paying you for lifeguarding. However, the camp is indeed obligated to compensate you for the time you had to be on call and unavailable to do other work, as in the case in the Shulchan Aruch, where workers were instructed to go to a site to transport packages but upon arrival found no packages. In that case, the workers are paid a lower rate for the time they spent traveling, though they performed no labor. Here, too, being on call is easier than actual lifeguarding, so a lower rate of pay would be appropriate, to be determined based on how much more difficult it is to supervise a pool than to be on call.

