

NEVADA DEPARTMENT OF WILDLIFE POLICY AND PROCEDURE	Pages: 4 (plus 4 forms) Effective: Approved: Rob Buonamici (Signature on File)
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TITLE: Overtime and Compensatory Time

REFERENCE: Fair Labor Standards Act (FLSA); NRS 281.110; NRS 284.180; NRS 284.181; Rules for State Personnel Administration (NAC 284.242 through 284.258)

AFFECTED EMPLOYEES: All Employees

PURPOSE: In order to accomplish the Department mission, some work situations will require overtime work by employees. This policy and procedure will guide employees as to when overtime work is authorized, the authorization procedure to follow, and the manner of compensation for overtime work.

POLICY: The Department recognizes that overtime, whether for cash or compensatory time off, is a fiscal liability which impacts the agency’s budget. Therefore, it is the policy of the Department to limit employee overtime to a minimum in order to handle emergency situations, unscheduled or unplanned emergent issues, or to meet critical deadlines.

DEFINITIONS:

Emergent issue is an event that arises unexpectedly calling for prompt action.

Emergency is an event involving imminent danger to life or property.

Innovative workweek means a work schedule that differs from a standard or nonstandard workweek. Innovative work schedules may also include flexible or variable workdays and can be used as an alternative to overtime or to reduce the hours of overtime. Innovative schedules require the employee and supervisor have a written agreement.

- The innovative schedules may consist of a workweek other than five shifts with the same number of hours each day, but which maintains the 40-hour maximum in a workweek. (Examples: four 10-hour shifts; four 9-hour shifts and one 4-hour shift).
- The flexible or variable workday schedules allow the employee, with supervisory approval, to adjust their daily work schedule to work more than eight hours a day as long as the total hours worked do not exceed 40 hours in a workweek.

Nonstandard workweek means a work schedule of five shifts with the same number of hours each day and a maximum of 40 hours per week throughout the year. The work schedule is other than Monday through Friday. Nonstandard work schedules may be used

when coverage is needed on weekends or holidays. If the employee chooses to work a nonstandard schedule, the employee and supervisor must have a written agreement.

Overtime is time earned after 8 hours work in a day or 40 hours in a week unless the employee has entered into a variable workday agreement in which case overtime is earned only after 40 hours in a week.

Under section 7(k) of the Fair Labor Standards Act (FLSA) and NRS 284.180, employees involved in law enforcement may choose and be approved for a variable 80-hour work schedule within a biweekly pay period. Overtime will be considered after working 80 hours in the biweekly pay period. This schedule requires the employee to complete the Variable 80-Hour Work Schedule (incorporated).

- The principal method of compensating employees for overtime is cash at the rate of time and one-half an employee's regular rate of pay.
- If an employee and agency enters into an agreement that complies with the FLSA, an employee may receive compensatory time at the rate of time and one-half an employee's regular rate of pay in lieu of cash for overtime. When an employee is represented by State of Nevada Employee Association (SNEA), such an agreement must be between the agency and SNEA.

Standard workweek is defined as the 8-hour workday and the 40-hour workweek throughout the year. The work schedule is Monday through Friday.

PROCEDURE:

Supervisory personnel are responsible and accountable for the efficient use of resources without injury to the health and well being of employees and will ensure that overtime of their employees complies with this policy and procedure. Excessive overtime may have deleterious effects on an employee's overall well being, and may be indicative of other issues such as employee workload or performance. Supervisors are responsible for evaluating such issues.

Overtime is intended as an infrequent solution to handle emergencies, emergent issues, or critical deadlines; overtime is not intended to become a vehicle for an employee to accomplish their regular workload.

It is expected that the use of overtime in State departments will be kept at a minimum. The Department of Administration Budget Division reviews the amount of overtime worked in each department, and findings are reported quarterly to the State Board of Examiners.

Only in an emergency will an employee be allowed to work overtime without prior approval. The employee must notify the supervisor as soon as possible following the emergency and complete the Overtime Work Authorization form.

Volunteer work (uncompensated work time) is not authorized. If it is known or there is reason to believe an employee is working beyond a scheduled shift, the agency may be required to pay overtime even though the overtime was not pre-authorized. **Supervisors are responsible for controlling the hours during which their employees work.**

The authority to approve overtime is delegated to the Deputy Director and bureau chiefs. The bureau chiefs may delegate such authority to first-line supervisors, but are ultimately accountable for the bureau's overtime.

Variable Workday Agreements (TS-78 and TS-78A) are encouraged in order to utilize nonstandard, innovative, or flexible/variable schedules to ensure that the work gets done with the least amount of overtime. This mutually developed contract agreement between the employee and the Department establishes a schedule which will accommodate both the workload and advanced planning for timely work achievement. For employees who choose not to sign a Variable Workday Agreement form, the supervisor is responsible to notify the employee in writing of his or her standard work schedule.

Overtime authorization: Overtime must be approved in advance by the supervisor and the employee must be given at least 4 hours advanced notice except when emergency circumstances require overtime (example: power failure at the hatchery and potential fish loss).

Each overtime work authorization, whether initially verbal or written, must be completed as soon as possible on the Overtime Work Authorization form. The employee is responsible for faxing or sending the approved authorization to the payroll clerk to support the biweekly Nevada Employee Action and Timekeeping System (NEATS) timesheet submission. Supervisory personnel will ensure that the written authorization agrees with the overtime hours recorded on the timesheet.

Overtime compensation: Principal compensation for overtime work is cash payment. Compensatory time off is an authorized method of payment for overtime work when the employee has agreed in writing to utilize that form of compensation. Employees who want the option of compensatory time off must complete the Election of Compensation Time form (TS-25). With agreements in place, the employee has the choice to select either cash payment or compensatory time off for each overtime work occasion.

Not more than 60 hours of compensatory time may be carried forward to the subsequent fiscal year. If an employee has compensatory time in excess of 60 hours at the end of a fiscal year and the Department is solvent, the employee will receive cash payment for the number of hours over 60 hours.

The Director may determine that the agency is not in a position financially to support paid overtime and may only authorize compensatory time. Should this occur, the employee may accrue up to 120 hours of compensatory time after which the agency and the employee may enter into agreement for the employee to earn 120-240 hours of compensatory time. If an employee earns in excess of 240 hours of compensatory time, the employee must be paid in cash.

Use of Compensatory Time: Compensatory time must be used within a reasonable time after it is accrued. Department employees will use compensatory time off, as practicable, during the year in which it was earned. An employee must, to the extent possible, exhaust his compensatory time before he uses the available annual leave, unless it would cause an employee to forfeit an amount of annual leave at the end of the calendar year.

DEPARTMENT: _____ AGENCY/HOME ORG: _____

DIVISION: _____

SECTION: _____

REQUEST FOR VARIABLE WORKDAY SCHEDULE

NRS 284.180, subsection 6, states: "For employees who choose and are approved for a variable workday, overtime will be considered only after working 40 hours in one week."

I, _____, hereby choose and request approval for
(Print Name)

a variable workday schedule. I understand that by doing so, I may with supervisory approval, adjust my work schedule in a week so I work more than 8 hours a day, provided I do not exceed 40 hours in a workweek without supervisory approval.

I further understand that this agreement may be rescinded by either party giving 30 working days notice.

Entered into this _____ day of _____ in the year _____

Employee's Signature Internal ID Date

Approved by: _____
Supervisor's Signature Date

Approved by: _____
Appointing Authority's Signature Date

Note: An employee approved for a variable workday schedule must have the appropriate variable work cycle code entered into the ADVANTAGE-HR IFS system. Complete the work cycle code on the ESMT-A under agency specific data. Submit the ESMT-A along with the original signed copy of this document to State Personnel Records.

Distribution: Original, State Personnel Records
Employee
Department/Division
Agency Personnel File

DEPARTMENT: _____ AGENCY/HOME ORG: _____

DIVISION: _____

SECTION: _____

REQUEST FOR VARIABLE 80-HOUR WORK SCHEDULE

Under section 7(k) of the Fair Labor Standards Act and NRS 284.180, employees involved in law enforcement and fire protection may choose and be approved for a variable 80-hour schedule within a biweekly pay period.

By entering into this agreement, I, _____, understand that I am
(Print Name)
working a variable 80-hour work schedule. Overtime will be considered after working 80 hours in the biweekly pay period or, if approved, one scheduled shift of eight or more hours.

I further understand that this agreement may be rescinded by either party giving 30 working days notice.

Entered into this _____ day of _____ in the year

Employee's Signature Internal ID Date

Approved by: _____
Supervisor's Signature Date

Approved by: _____
Appointing Authority's Signature Date

Note: An employee approved for a variable 80-hour work schedule must have the appropriate variable work cycle code entered into the ADVANTAGE-HR IFS system. Complete the work cycle code on the ESMT-A under agency specific data. Submit the ESMT-A along with the original signed copy of this document to State Personnel Records.

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NEVADA DEPARTMENT OF WILDLIFE
OVERTIME WORK AUTHORIZATION FORM

I, _____, understand that overtime must be kept to a minimum and **must be approved in advance by my supervisor** except in the case of an emergency involving imminent danger to life or property, then the supervisor must be notified as soon as possible following the emergency and the authorization form completed.

I am requesting overtime (Paid / Comp) as follows:

PP #	Date(s)	Estimated No. of Hours	OT Code

My current compensatory time off balance as of PP # _____ is _____ hours

Justification:

Request Date(Verbal / Written)

Employee's Signature

Authorization **HAS/HAS NOT** been granted for the overtime as requested above.
(circle one)

Approval Date(Verbal / Written)

Supervisor's Signature

Supervisor's Comments:

