

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
320**

**SALARY ADMINISTRATION
(TEMPORARY)**

Supersedes: AR 320 (12/17/03)

Effective Date: 07/01/09

AUTHORITY

NRS 202.840, 236.015, 284.065, 284.155, 284.175, and 284.180
NAC 284.0663, 284.072, 284.0742, 284.100, 284.194, 284.214, 284.218, 284.255, 284.256,
284.257, 284.292, 284.5255, 284.5895, and 284.650

RESPONSIBILITY

All employees are responsible for knowledge contained in this regulation and to comply with this regulation.

320.01 OVERTIME

1. Overtime must be authorized by the Director, Deputy Director of Operations, North/South, Division Heads, Wardens, or their designees. **(4-4065)**
2. When employees work overtime, it must be documented on an Authorization for Leave and Overtime Request Form (DOC-1000) and approved in advance by the appointing authority. Employees should keep copies of their signed DOC-1000's.
3. Non-exempt employees, as specified in the Classification and Compensation Plan, shall earn overtime at the rate of time and one-half.
4. As a condition of employment, employees shall work overtime on short notice, on weekends and holidays, be recalled to work in cases of emergency or staff shortages on regular days off, or any and all other times so required, and be placed on standby status if and when necessary.
5. Overtime is considered working in excess of eight hours in one calendar day for employees who are standard or non-standard.
 - A. A standard workweek is a work schedule of five shifts with the same number of hours each day and a maximum of 40 hours per week. The work schedule is Monday through Friday.

B. A non-standard workweek is a work schedule of five shifts with the same number of hours each day and a maximum of 40 hours per week. The work schedule is other than Monday through Friday.

6. Employees who have elected to work a variable work schedule (innovative) do not accrue overtime until either, 1) they have worked the 41st hour, if they have signed a 40-hour variable agreement, or 2) they have worked the 81st hour, if they have signed the 80-hour variable agreement.

A. An innovative work schedule is a work schedule that differs from a standard or non-standard work week.

B. All employees shall sign a Variable Work Schedule Request form (DOC-1043). Employees electing such a schedule must do so prior to working a variable schedule. Employees who do not elect a variable work schedule shall write “declined” through the variable section they are declining on the DOC-1043.

C. The variable work schedule agreement will remain in effect for Custody staff who bid for shifts that require a variable schedule (i.e., 12- hour shifts) until the next shift bidding cycle. Any subsequent change must be approved mutually by the Warden and the employee.

D. Each time an employee’s schedule changes, a new Variable Work Schedule shall be completed identifying the employee’s shift and regular days off.

7. Paid status is considered as time worked in calculating overtime.

320.02 SHIFT DIFFERENTIAL

1. Employees who work 8 hours or more, of which four consecutive hours must fall within the hours from 6 p.m. to 7 a.m., shall receive shift differential. **(4-4065)**

2. Shift differential rate is an adjustment of pay equivalent to 5% of the employee’s normal rate of pay when working a qualifying shift.

3. The shift differential rate will apply during the periods of time when an employee is on sick leave, annual leave, holidays and other leave with pay so long as the employee is still assigned to that shift when the leave is taken.

4. Employees that are assigned to attend training classes during a non-qualifying shift do not receive shift differential while in training.

320.03 CALL BACK PAY

1. Each time a full time classified employee is called back to work on an unscheduled basis by their supervisor, they shall be credited with a minimum of two hours work at the rate of time and one-half, if:
 - A. The work begins more than one hour after completion of the regular work shift, but ends more than one hour before the end of the next scheduled shift, provided that the time for the beginning work was not set at the request of the employee.
 - B. The employee is called back to work without having been notified prior to the completion of their normal working day.
 - C. The employee is called back to work on their regularly scheduled day/time off.
 - D. The employee is called back on a holiday.
2. Call back pay shall not apply to employees receiving standby premium pay.

320.04 STANDBY STATUS

1. A non-exempt classified employee shall receive additional pay or compensatory time of 5% of their normal hourly rate for every hour they are on standby status outside of the parameters of their regular assigned shift.
2. An employee is on stand-by status when they are:
 - A. Directed to remain available for immediate contact during specified hours.
 - B. Prepared to work as the need arises, although the need to work might not arise.
 - C. Able to report to work within a reasonable time, usually within one-half hour.
 - D. Allowed to use the time waiting for notification to work for personal pursuits.
3. Any class designated in the NRS as a 24-hour class does not automatically qualify for standby premium pay.

320.05 HOLIDAYS

1. The rules for holiday pay apply only to the legal day of observance. The State has declared the following days as legal holidays: **(4-4065)**
 - A. January 1 (New Year's Day)

- B. Third Monday in January (Martin Luther King, Jr.'s Birthday)
 - C. Third Monday in February (Presidents' Day)
 - D. Last Monday in May (Memorial Day)
 - E. July 4th (Independence Day)
 - F. First Monday in September (Labor Day)
 - G. Last Friday in October (Nevada Day)
 - H. November 11 (Veterans Day)
 - I. Fourth Thursday in November (Thanksgiving Day)
 - J. Friday following the fourth Thursday in November (Family Day)
 - K. December 25 (Christmas Day)
2. When January 1, July 4, November 11 or December 25 falls upon a:
- A. Sunday, the Monday following shall be observed as the legal holiday; and
 - B. Saturday, the Friday preceding shall be observed as the legal holiday.
3. Full time employees working a non-standard workweek are entitled to the same number of paid holidays as full time employees working a standard workweek.
4. A full time employee who works 40 hours per week, who does not work on a holiday, and is in paid leave status during any portion of their scheduled shift immediately before the holiday, is entitled to eight hours of holiday pay.
5. A full time employee whose regular work schedule is more than eight hours, but who has the day off because of a holiday, may use annual leave, compensatory time, have their schedule adjusted or, with approval of the appointing authority, be placed on leave of absence without pay to make up the difference of time in excess of the holiday pay.
6. The salary of an excluded classified or excluded unclassified employee must not be reduced solely because a holiday occurs on a scheduled workday.
7. An employee, other than excluded employees, must receive either: 1) time and one-half cash payment, or 2) time and one-half compensatory time, for hours worked in addition to their regular pay if they work on the holiday.

8. An appointing authority may credit an employee for a holiday which occurs on the employee's regular day off by one of the following options:
 - A. Adjust the employee's schedule of work for the week during which the holiday occurs;
 - B. Credit the employee with compensatory time; or
 - C. Is entitled to day-off holiday pay for 8 hours if they are a full time employee, if they are in a paid status during their scheduled shift before the holiday.
9. When an employee works their regular day off and that day off is a holiday, they are entitled to day-off holiday pay for 8 hours. The employee is entitled to receive paid overtime, or compensatory time, for the number of hours worked.

320.06 TIMESHEETS

1. Except as otherwise provided in subsection 2, an employee shall provide an accurate accounting of the hours worked and leave used during a pay period on the appropriate form provided by the Department including the specific times at which their work shifts started and ended.
2. Exception reporters must account for all exceptions in the pay period. Positive reporters must account for all hours worked in the pay period.
3. The employee shall submit the timesheet at the conclusion of each reporting cycle (pay period).
4. An exempt, classified employee or exempt, unclassified employee shall provide an accurate accounting of leave used on their timesheet.
5. An employee who falsifies their timesheet, or who causes or attempts to cause another employee to falsify a timesheet, will be subject to disciplinary action.
6. A supervisor or payroll representative may change an entry on an employee's timesheet in accordance with the policy for the correction of errors on timesheet.
 - A. If the supervisor or payroll representative changes an entry on the employee's timesheet, the employee must be notified of the change and sign a copy of the timesheet. The signed timesheet shall be sent to the department's payroll office in Carson City.
 - B. If the employee contests the change to an entry on their timesheet, the employee is entitled only to their base pay for the workweek in question, until resolved.
 - C. The contested entry must be resolved as soon as practicable and any adjustment must be made during the next pay period following the resolution of the contested entry.

7. A supervisor who is negligent in reviewing and certifying the accuracy of an employee's timesheet may be subject to disciplinary action.

320.07 PAYCHECKS

1. Pay dates are on Friday, every other week. Pay dates which fall on a holiday will be paid the working day prior.

2. Payroll checks are not authorized for early distribution without authorized approval by the Division Administrator of Personnel Services.

A. Early distribution may be requested by completing the Early Paycheck Distribution Request (DOC-1003).

3. Early distribution and/or cashing of paychecks without proper authorization may result in disciplinary action. REVIEWED TO THIS POINT

320.08 PAYMENT OF ACCUMULATED COMPENSATORY TIME

1. Payment of accumulated compensatory time will only be allowed with the approval of the Director, Deputy Director of Operations, North/South, Deputy Director of Support Services, or designee.

A. Individual requests for payment of accumulated compensatory time will be submitted in writing and forwarded to the appropriate Warden or Division Head, who will initial and forward to the Department Payroll Office.

B. The Department Payroll Office shall verify the balance and forward the request to the Deputy Director of Support Services to determine if the department has sufficient funding available prior to final approval.

C. Payment shall be made depending upon the date of receipt in conjunction with payroll deadlines.

2. Employees transferring from one budget account within the department to another shall have their compensatory time paid off, unless the Deputy Director of Support Services informs the Department Payroll Office that the department does not have the available funding.

3. Non-exempt employees transferring out of the department, who have accrued compensatory time, shall have their compensatory time paid off unless the employee provides written approval from the receiving department agreeing to assume the liability for the compensatory time and the employee concurs.

4. Employees terminating employment shall be paid for accrued compensatory time.

5. Involuntary compensatory time payment for employees may occur at the end of each fiscal year.

320.09 MERIT PAY ADJUSTMENT

1. An employee whose last performance evaluation was standard or above and who has not attained the top step of their grade, must receive a merit pay increase of one step on the pay progression date, unless the Governor determines otherwise.
2. An employee whose last performance of evaluation did not meet standard is not eligible for a merit pay increase until their overall performance evaluation is at least standard.
3. A subsequent, special evaluation not filed within 90 days, shall be deemed to be standard and the employee will be entitled to the merit pay increase, effective on the date on which the subsequent performance evaluation was due.

320.10 OVERPAYMENTS

1. Once an overpayment is discovered the active employee or inactive employee will be sent a Notification of Payroll Overpayment Letter.
2. The active employee or inactive employee will be given 10 working days to return the Acknowledgement of Overpayment/Agreement to Repay form.
3. For an active employee a repayment plan is negotiated and payment is set-up as a payroll deduction. For an inactive employee, repayment must be paid by personal check or money order.
4. If the employee defaults on an agreement to repay an overpayment he will receive a Default on Agreement letter and be given ten working days to remit the amount due. Failure to provide the amount due will result in the employee being turned over to the State Controller's Office for collection.
5. Should employee refuse to acknowledge or repay the overpayment, the State Controller's Office will be notified through Central Payroll and legal action may be taken.

APPLICABILITY

1. This AR does not require an Operational Procedure for the Department Personnel Division.
2. This AR does require an Operational Procedure for each institution, facility, and each Division.
3. This regulation does not require an audit.

REFERENCES

ACA Standards, 4th Edition 4-4065

ATTACHMENTS

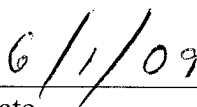
Authorization for Leave and Overtime Request Form DOC-1000

Variable Work Schedule Request Form DOC-1043

Early Paycheck Distribution Request Form DOC-1003



Howard Skolnik, Director



Date

Authorization Granted Not Granted

Comments:

Signature Appointing Authority
or Authorized Representative

Date

**NEVADA DEPARTMENT OF CORRECTIONS
VARIABLE WORK SCHEDULE REQUEST**

_____ **40 HOUR VARIABLE (INNOVATIVE) WORK 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 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.

This variable work schedule agreement will be in effect until rescinded in writing by both the employee and the supervisor.

_____ **80 HOUR VARIABLE (INNOVATIVE) 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.

I hereby choose and request approval for a variable biweekly work schedule. I understand that by doing so I may, with supervisory approval, adjust my work schedule during the 14 day biweekly work period. I also understand that this variable schedule is an exemption to the 40 hour seven day, overtime rule under the Fair Labor Standards Act.

*This variable work schedule agreement will remain in effect for **Custody staff** who bid for shifts that require a variable schedule (ie., 12-hour shifts) until the next shift bidding cycle or a change must be approved mutually by the Warden and the employee.*

Overtime will be paid under the Nevada Revised Statute 284.180. Overtime will be considered only after working 80 hours biweekly.

Agreed to on this _____ day of _____ in the year _____

Employees Printed Name: _____

Employee ID # _____ Budget Account _____

Employees Signature: _____ Date _____

Employee's Shift: _____ to _____ RDO's: _____

Approved By: _____
Supervisor's Signature _____ Date _____

Note: Each time an employee changes their schedule, a new form must be completed to identify the shift and the RDO's (regular days off).

Distribution: Copy-NDOC Personnel File
Copy-Supervisor

NEVADA DEPARTMENT OF CORRECTIONS
EARLY PAYCHECK DISTRIBUTION REQUEST

From: _____ Title _____

I am requesting permission to receive my paycheck on the day before payday due to:

I understand that I cannot deposit or otherwise cause my paycheck to be cashed prior to 12:01 a.m. of the pay date printed on the check. That is in violation of Department Controller's Office, Treasurers Office and the State of Nevada policy. Any such violation may be grounds for disciplinary action.

I will consider direct deposit of my paycheck should the above condition be necessary on an on-going basis.

SIGNATURE OF EMPLOYEE

DATE

SIGNATURE OF WITNESS/SUPERVISOR

DATE

APPROVAL FOR _____

SIGNATURE PERSONNEL OFFICER III

DATE