

**NEVADA DEPARTMENT OF CORRECTIONS  
ADMINISTRATIVE REGULATION  
320**

**SALARY ADMINISTRATION**

**Supersedes:** AR 320 (03/19/13); and AR 320 (Temporary, 05/06/14)  
**Effective Date:** 09/16/14

**AUTHORITY**

NRS 236.015, 284.065, 284.155, 284.175, 284.180  
NAC 284.0663, 284.067, 284.071, 284.072, 284.0742, 284.100, 284.194, 284.210, 284.214,  
284.218, 284.255, 284.256, 284.257, 284.292, 284.5255, 284.5895, 284.650

**RESPONSIBILITY**

All employees are responsible to have knowledge of and comply with this regulation.

**320.01 OVERTIME**

1. Overtime must be authorized by the Director, appropriate Deputy Director, Division Head, Warden, or their designees.
2. An employee who works overtime, must document this time on an Authorization for Leave and Overtime Request form (DOC-1000).
3. Non-exempt employees, as specified in the State Classification and Compensation Plan, shall earn overtime at the rate of time and one-half.
  - A. Exempt classified and unclassified employees are not entitled to compensation for overtime.
4. As a condition of employment, employees may be required to work overtime as required by a supervisor and as stated in AR 326, Posting of Shifts/Overtime.
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 41<sup>st</sup> hour, if they have signed a 40-hour variable agreement, or 2) they have worked the 81<sup>st</sup> 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.

C. Employees who do not elect a variable work schedule shall write “declined” through the variable section they are declining on the DOC-1043.

D. Employees noting “declined” on the DOC-1043, may not be scheduled to work a variable schedule (i.e., 12-hour or 10-hour shifts).

E. 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.

F. 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.

8. To qualify for Post and Shift bidding an employee must be willing to sign a variable agreement.

### **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. Employees are entitled to the differential pay for the amount of hours they work during that time period.

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 as 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.

- A. The work must begin more than one hour after completion of the regularly scheduled shift.
- 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.

3. Employees with a PERS (Public Employees' Retirement System) membership date prior to December 31, 2009 will use the established call back codes:

- A. PCALL-Callback Pay
- B. ACALL-Callback Comp

4. Employees with a PERS (Public Employees' Retirement System) membership date of January 1, 2010 or later will use the following call back codes:

- A. PCALX-Callback Pay/NO Ret
- B. ACALX-Callback Comp/NO Ret

### **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 standby 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 following days are declared legal holidays:

- 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 4<sup>th</sup> (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) cash payment, or 2) compensatory time, at employee's straight-time rate of pay 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 day-off holiday pay for 8 hours if they are a full time employee and in a paid status during their scheduled shift preceding 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.

10. If an employee has an innovative work agreement on file and the holiday falls on his regular day off and the employee works the holiday, the employee is entitled to receive day-off holiday pay on an hour-for-hour basis not to exceed the number of hours of his established workday. The employee is also 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 in the NEATS Timekeeping System, to include the specific times at which their shift starts and ends and regular days off.

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. Employee exceptions or hours worked for positive reporters shall be reported on timesheets at beginning of shift.

4. The employee shall input and submit the timesheet in the NEATS system at the conclusion of each reporting cycle (pay period), no later than 12 PM, Wednesday, of the non-pay week for each pay period.

5. An exempt, classified or exempt, unclassified employee shall provide an accurate accounting of leave used when they are full-day exceptions.
6. 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 pursuant to AR 339.
7. Supervisors shall approve employee's NEATS timesheets under their authority, no later than 5 PM, Wednesday, of the non-pay week for each pay period.
8. 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 via the facility's timekeeper.
  - 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.
9. 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 approval by the Human Resources Division Administrator.
  - 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.
4. Direct Deposit of employee paychecks is mandatory, unless an exception is granted by the State Controller.

## **320.08 PAYMENT OF ACCUMULATED COMPENSATORY TIME**

1. Payment of accumulated compensatory time will only be allowed with the approval of the Director or Deputy Director.
  - 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 Human Resources Payroll Office.
  - B. The Department Human Resources 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.
  - D. Compensatory time should not be accrued in excess of 120 hours.
  - E. Compensatory time incurred in excess of the 120-hour limit must be paid, unless the employee has written approval by the Director or designee.
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.
6. Employees must have a signed compensatory time election agreement (DOC-1048) on file prior to accumulating compensatory time.

## **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, shall receive a merit pay increase of one step on the pay progression date. The only exception to this would be through legislative action.
2. An employee whose last performance 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 inactive 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 applies to all Department employees.

2. This AR requires an Operational Procedure for each institution, facility, and each Division.

3. This regulation does not require an audit.

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Director

Date 9/17/14