



Division of State Parks

Personnel #20-8	Overtime	Rev. 5/2013	Page 1 of 4
----------------------------	-----------------	------------------------	------------------------

REFERENCES: NRS 281.180, 281.181 and 284.100.4 and NAC 284.242 through 284.258

PURPOSE: The division will provide guidelines for the authorization and compensation of overtime within the requirements of the Fair Labor Standards Act, NRS 281.110, the Rules for State Personnel Administration (NAC 284.242 to NAC 284.258) and the DCNR Overtime Policy.

ORGANIZATION: The division will keep overtime to an absolute minimum consistent with its basic functions and purposes.

DEFINITIONS AND EXPLANATIONS:

Overtime - If overtime is necessary, it must be authorized, communicated and approved before being worked, unless an unpredictable emergency prevents prior approval and communication. Approval must be attached to the timesheet for the pay period in which it was accrued.

Emergencies - The Rules for State Personnel Administration, NRS 281.100.4, defines emergency in regards to overtime. "Any employee whose hours are limited by subsection one may be permitted, or in case of an emergency where life or property is in imminent danger may be required, at the discretion of the officer responsible for his employment, but subject to any agreement made pursuant to NRS 284.181, to work more than the number of hours limited. If so permitted or required, he is entitled to receive, at the discretion of the responsible officer: (a) compensatory vacation time; or (b) over time pay." Subsection 1 states, "Except as otherwise provided in this section and NRS 284.180 the services and employment of all persons who are employed by the State of Nevada, or by any county, city, township or other political subdivision thereof, are limited to not more than 8 hours in any calendar day and not more than 40 hours in any 1 week." This limits State employees to eight hours in any one calendar day (if the employee has not agreed to a variable work day) and not more than 40 hours in any one-week. All classified employees of the division fall under these criteria.

The administrator, as the officer responsible for employment, authorizes overtime for emergencies as defined under NRS 281.100.4 where there is an imminent danger to life or property. Some incidents easily fall under this definition but often it may be difficult to determine. Supervisors and employees must use their good judgment, based on experience, to decide if a true emergency exists.

When an emergency requires overtime, the employee will notify his/her supervisor as soon as possible after the incident. He/she will then follow up with an overtime approval/justification form, justifying the overtime, etc, to the supervisor. The approval must be attached to the timesheet for the pay period in which it was accrued.

Variable Work Day Agreement - This voluntary agreement between the division and an employee allows a more flexible schedule for the employee and reduces the need for overtime. Before starting a variable work schedule, the employee must sign the TS-78 "Request for Variable Workday schedule". With this tool, the supervisor and employee can work together to develop weekly schedules in light of anticipated workloads. Together they agree when and how to vary the work schedule. For employees who choose and are approved for a variable workday, overtime will be considered only after working 40 hours in one (1) week. Daily schedules may have more or less than eight (8) hours as long as 40 hours are not exceeded in the week. A week is a seven-day period beginning Monday and ending the following Sunday. A variable workday employee will record hours worked each day in the "Explanation Section" of the timesheet. **Note:** An employee or the supervisor may rescind the agreement for any reason at any time giving 30 working day notice.

Rescheduling Days Off - The Rules for State Personnel Administration (NAC 284.257 section 3) allows supervisors and managers to adjust a full-time nonexempt employee's work schedule for the week during which the holiday occurs if a holiday occurs on the employee's day off. A variable employee's day off may also be rescheduled to fit workloads, training, etc., since only 40 hours will be worked in the week. Supervisors and employees should work together to develop schedules that fit workload, agency needs and employee needs.

Call Back - Call back is described in NAC 284.214 as when an employer calls him back to work during his scheduled time off without having notified him before the completion of his last normal working day. All claims for Call Back must be coded on the timesheet to 2 hours of PCALL (Call-Back Pay) or ACALL (Call-Back Comp Time) for employees with a PERS membership date of December 31, 2009 or earlier and to PCALX (Call-Back Pay) or ACALX (Call-Back Comp Time) for employees with a PERS membership date of January 1, 2010 or later. Any hours worked over the initial 2 hours per incident must be coded to POT (Paid Overtime) or ACT (Accrued Comp Time). All overtime for Call Back must be approved by the regional manager or deputy administrator. The *ADM 25a* approval must be attached to the timesheet for the pay period in which it was accrued.

Compensatory Time Accrual - Balances must be kept to a minimum as large balances represent an unfunded financial liability for the division and has a negative impact on an employee's personal time. NAC 284.2508 states that compensatory time must be taken as soon as possible after accrual. This should be determined by the supervisor, the employee and the need of the agency.

Per NAC 284.250 section 3, Compensatory time may not be accrued in excess of 120 hours unless an agreement entered into pursuant to subsection 2 provides for the accrual of additional hours of compensatory time, not to exceed 240 hours. Overtime liability incurred in excess of these limits must be paid in cash. The appointing authority may pay in cash for compensatory time accrued below these limits.

NAC 284.252 states: 1. Except as otherwise provided in subsection 2, an employee who has accrued more than 60 hours of compensatory time may request, in writing, payment in cash for the amount of compensatory time that exceeds 60 hours.

2. Except as otherwise provided in this subsection, an employee who is subject to an agreement which provides for the accrual of up to 240 hours of compensatory time may request, in writing, payment in cash for any compensatory time accrued in excess of 120 hours. An exception to this subsection may be made for payment of all compensatory time accrued in excess of 60 hours to:

(a) A firefighter who submits a request for payment on or before April 1, if payment is made during the month of April.

(b) A district brand inspector who submits a request for payment on or before September 1, if payment is made during the month of September.

(c) A 24-hour duty officer of the Division of Emergency Management of the Department of Public Safety who has accumulated more than 60 hours of compensatory time during any 12 consecutive months.

3. A request for payment in cash for compensatory time pursuant to this section may not be unreasonably denied. Such a request may be denied if:

(a) The Chief of the Budget Division of the Department of Administration certifies that there is insufficient money available in the State General Fund; or

(b) In the case of an agency that is not supported from the State General Fund, the administrator of the agency certifies that the agency has insufficient money available.

PRIOR POLICY: This policy supersedes the prior policy dated 1/6/12.

PROCEDURES:

- I. To minimize overtime costs, overtime will be approved only for emergencies, holidays and peak use days. The supervisor, regional manager, deputy administrator, or administrator, must pre-authorize all non-emergency overtime.

- II. All division employees will be designated for the nonstandard workweek schedule and encouraged to voluntarily elect a variable workday schedule. On a variable work schedule the supervisor may adjust the employee's schedule to fit the workload, including changing days off when training, meetings, projects, or other necessary work falls on an employee's regular days off. Supervisors will give employees at least one-week notice if possible and work with employees to develop work schedules that fit the workload. On a variable work schedule, the employee may work fewer hours before the anticipated extra work time as long as he/she does not work more than 40 hours during the week (Monday thru Sunday). NAC 284.257 3. States: If a holiday occurs on the day off of a full-time nonexempt employee, the appointing authority may adjust the work schedule of the employee for the week during which the holiday occurs. If a holiday occurs on the day off of an exempt classified employee or exempt unclassified employee, the appointing authority may adjust the work schedule of the employee for the week during which the holiday occurs or for a subsequent week. The Nonstandard employee is less flexible in that he/she cannot work more than or fewer than eight (8) hours on any day without receiving overtime or using leave.

- III. If overtime is necessary, it must be authorized and communicated to the employee at least four (4) hours in advance by the supervisor before being worked, unless an unpredictable emergency prevents prior approval. If funds are not available for cash payment, compensatory time must be granted. The division also retains the right to pay cash for overtime when the Administrator determines it to be necessary for budgetary reasons.

RULES:

- I. All overtime, except emergencies, must receive pre-approval by the immediate supervisor. The employee is entitled to receive overtime pay if allowed budgetary or, compensatory time. Emergency overtime (PCALL or ACALL) only requires the employee to submit an Overtime Approval/Justification form, ADM-25a to the regional manager or deputy administrator. All other pre-approved overtime *for permanent staff* requires the employee to submit an Overtime Approval/Justification form, ADM-25a (see Attachment A) **and** the DCNR Overtime Approval form attached to the DCNR policy (see Attachment B). Both requests must be submitted to the regional manager or deputy administrator and approved prior to working overtime. Working overtime without prior approval may be disapproved or lead to disciplinary actions. Employees working holidays on their regular scheduled days to work, working a normal shift are not required to obtain pre-approval. However, an ADM25a is still required. Requests that result from an emergency or call back are submitted after the fact. **Note:** NRS 281.100.4 defines an emergency as a situation where life or property is in imminent danger. *Seasonal employees' are required to submit the ADM 25a only, approved by their supervisor or regional manager, to be attached to the timesheet. No DCNR overtime approval is needed.*
- II. All requests for overtime will note whether the employee requests cash payment or compensatory time. Typically over time pay is not funded in the division budget. Therefore, requests for pay may be disapproved due to lack of funds. The supervisor must arrange the work schedule to avoid working that employee. The employee and supervisor should decide the best course of action to ensure coverage of the park or work site.
- III. Compensatory time must be taken off as soon as possible after accrual. Employees are encouraged to use compensatory time when the workload allows. The intent is to avoid accumulating overtime balances.
- IV. Compensatory time will be used before annual leave unless the employee is in a “use it or lose it” situation.
- V. Volunteering time is not condoned. There have been incidents where employees have worked overtime and have not claimed it on their timesheets. This is against the spirit of the Fair Labor Standards Act and cannot be condoned.

Original signed by: <div style="text-align: center;">SIGNED</div> <hr/> David K. Morrow, Administrator	<div style="text-align: center;">5/13/13</div> <hr/> <div style="text-align: center;">Date</div>
Original signed by: <div style="text-align: center;">SIGNED</div> <hr/> Leo M. Drozdoff, P.E., Director	<div style="text-align: center;">5/14/13</div> <hr/> <div style="text-align: center;">Effective Date</div>

Copy to Regions: 5/15/13

Review Date: _____

**Nevada Division of State Parks
Overtime Approval / Justification Form**

ALL OVERTIME FOR PAY OR COMP. MUST BE PRE-APPROVED

From: _____ Pay Period #: _____
Pay Period Dates: _____

I Request Overtime for: Pay Comp

Date: _____ from _____ AM / PM to _____ AM / PM Total Hours _____	<input type="checkbox"/> Approved	
	<input type="checkbox"/> Disapproved	Initials _____
Justification: _____		

Date: _____ from _____ AM / PM to _____ AM / PM Total Hours _____	<input type="checkbox"/> Approved	
	<input type="checkbox"/> Disapproved	Initials _____
Justification: _____		

Date: _____ from _____ AM / PM to _____ AM / PM Total Hours _____	<input type="checkbox"/> Approved	
	<input type="checkbox"/> Disapproved	Initials _____
Justification: _____		

Distribution: (1) copy for Employees Retention File and (1) approved copy for Pay Clerk at Division

**Nevada Division of State Parks
Overtime Approval / Justification Form**

ALL OVERTIME FOR PAY OR COMP. MUST BE PRE-APPROVED

To: _____ Pay Period #: _____
From: _____ Pay Period Dates: _____

I Request Overtime for: Pay Comp

Date: _____ from _____ AM / PM to _____ AM / PM Total Hours _____	<input type="checkbox"/> Approved	
	<input type="checkbox"/> Disapproved	Initials _____
Justification: _____		

Date: _____ from _____ AM / PM to _____ AM / PM Total Hours _____	<input type="checkbox"/> Approved	
	<input type="checkbox"/> Disapproved	Initials _____
Justification: _____		

Date: _____ from _____ AM / PM to _____ AM / PM Total Hours _____	<input type="checkbox"/> Approved	
	<input type="checkbox"/> Disapproved	Initials _____
Justification: _____		

Distribution: (1) copy for Employees Retention File and (1) approved copy for Pay Clerk at Division

Department of Conservation & Natural Resources

Personnel & Payroll	DCNR Overtime Policy	Rev.	Pages 3
---------------------	----------------------	------	------------

REFERENCES: Executive Order by the Governor, dated March 15, 2010.

PURPOSE: To provide the department with guidelines for approving overtime consistent with the policy expression of the Governor's Executive Order.

SCOPE: This policy applies to all DCNR divisions and the state employees therein.

EFFECTIVE DATE: This policy is effective June 28, 2010.

INTRODUCTION AND BACKGROUND

On March 15, 2010, following the conclusion of the 26th Special Session of the Nevada Legislature, Governor Jim Gibbons issued an Executive Order that, in part, expressed his policy on overtime pay for state employees.

The Governor's Executive Order prefaces his policy positions with: "General fund revenue projections have shown that actual general fund revenue has been and will continue to be significantly less than the general fund revenue appropriated for the current biennium by the Legislature" and "action must be taken within the Executive Branch to curtail spending wherever possible as a part of the comprehensive budget solution."

The policy statement itself says that: "The policy on overtime pay is as follows, regardless of the type of schedule implemented. Effective Central Payroll Cycle Pay Period 20, whether for pay or compensation time, overtime shall not be worked without prior written approval from a director."

Since the March 15, 2010, release of this Executive Order, the Department of Conservation and Natural Resources (Department) has operated under a practice consistent with this Order, requiring pre-approval by the Department Director in advance of overtime, or as soon as possible after the fact in line with the special circumstances outlined below. Following an analysis of the Department's overtime patterns by the Director's Office, this DCNR policy has been developed to implement a formal system for approval.

The intent of this DCNR policy is to further clarify the Department's practices and procedures related to this Executive Order, and to invoke, with specific guidelines, the following language from the Executive Order: "Recognizing that there are special circumstances when it is not practicable to obtain a director's prior review and written approval, directors may delegate the approval process in certain circumstances, including but not limited to a) 24/7 facilities/operations where it may be necessary to work overtime to maintain safety, adequate staffing ratios or provide coverage in emergency situation; b) situation where it is the best interest of the State as determined by a director; and c) work necessary to protect life, safety and wellbeing of Nevada citizens and visitors."

OVERTIME APPROVAL PROCESS

Each Division within the Department is expected to curtail, through careful planning and flexible scheduling, employee accrual of overtime to the greatest extent possible.

Should a Division determine the need for overtime is critical, an Overtime Approval Form (attached to this policy) must be completed within the Division, approved by the Division's Administrator, and forwarded to the Department Director for approval.

If an Administrator will be absent from his or her office for more than one working day, he or she may delegate approval authority to a Deputy Administrator. If no Deputy Administrator position exists within an agency, or should the Deputy be unavailable for more than one working day, the Department Deputy Director may approve the form for the Division. Likewise, should the Department Director be absent from his or her office for more than one working day, he or she will delegate Director-level approval authority to the Department Deputy Director.

The Executive Order recognizes that there are "special circumstances when it is not practicable to obtain a director's prior review and written approval." To facilitate approval under these circumstances (coverage in 24/7 facilities/operations and work necessary to protect life, safety and wellbeing of Nevada citizens and visitors), the following delegations of overtime approval authority within the Department will be made for emergency incidents and/or staff coverage needs that arise related to the specific special circumstances delineated above:

Division of Water Resources – No delegation. Notice to/approval by the Division Administrator at the time of the qualified special circumstance as defined above. Deputy Division Administrator(s) may receive notification/provide approval only if the Administrator is unreachable. An Overtime Approval Form must be forwarded to the Division Administrator (unless already approved by) and the Department Director for approval as soon as possible in those circumstances where Department Director pre-approval is not obtainable.

Divisions of State Lands and Conservation Districts – No delegation. Notice to/approval by the Division Administrator at the time of the qualified special circumstance as defined above. Deputy Division Administrator may receive notification/provide approval only if the Administrator is unreachable. An Overtime Approval Form must be forwarded to the Division Administrator (unless already approved by) and the Department Director for approval as soon as possible in those circumstances where Department Director pre-approval is not obtainable.

Nevada Natural Heritage Program – No delegation. Notice to/approval by the Division Administrator at the time of the qualified special circumstance as defined above. Deputy Department Director may receive notification/provide approval only if the Administrator is unreachable. An Overtime Approval Form must be forwarded to the Division Administrator (unless already approved by) and the Department Director for approval as soon as possible in those circumstances where Department Director pre-approval is not obtainable.

Division of Environmental Protection – This DCNR policy hereby delegates to the Chief of the Bureau of Corrective Action the authority to receive notice/provide approval related to emergency response by designated Division personnel. However, an overtime request that results from other qualified special circumstances as defined above must be noticed to and approved by the Division Administrator. The Chief of the Bureau of Administrative Services may receive notification/provide approval only if the Administrator is unreachable. An Overtime Approval Form must be forwarded to the Division Administrator (unless already approved by) and the Department Director for approval as soon as possible in those circumstances where Department Director pre-approval is not obtainable.

Division of State Parks – This DCNR policy hereby delegates to the two State Parks' Regional Managers, for their respective parks/units, the authority to receive notice/provide approval at the time of the emergency incident or other qualified special circumstances as defined above. Notification and approval for Lake Tahoe Nevada State Park, which is independent of the two regions, will be by the Deputy Division Administrator. For the two regions, the Deputy Division Administrator may receive notification/provide approval only if the Regional Managers and/or the Administrator is unreachable. An Overtime Approval Form must be forwarded to the Division Administrator and the Department Director for approval as soon as possible in those circumstances where Department Director pre-approval is not obtainable.

Division of Forestry – This DCNR policy hereby delegates to the assigned Division of Forestry Statewide Duty Officers the ability to receive notification/provide approval for Division staff overtime related to non pre-approved work necessary to protect life, safety and wellbeing (emergency response), as well as unanticipated staff coverage needs for dispatch centers. The Fire Management Officer responsible for each 24/7 all-risk operation will have the delegated ability to receive notification/provide approval for 24/7 fire station staff overtime related to non pre-approved work necessary to protect life, safety and wellbeing (emergency response), as well as unanticipated staff coverage needs for these 24/7 all-risk fire stations. The Division Administrator may receive

notification/provide approval if the aforementioned designees are unreachable. The Deputy Division Administrator(s) may receive notification/provide approval only if the Administrator is unreachable. An Overtime Approval Form must be forwarded to the Division Administrator and the Department Director for approval as soon as possible in those circumstances where Department Director pre-approval is not obtainable.

OVERTIME REPORTING AND MONITORING

Each Division is responsible for following the Department Overtime Leave Policy and may establish any internal systems believed necessary to ensure and/or monitor compliance (in addition to use of the Overtime Approval Form). Division managers are encouraged to be aware of overtime use patterns within their particular Division and make adjustments in Division practices as necessary to curtail overtime use to the greatest extent possible.

Signed Overtime Approval Forms will serve as each Division's (and the Department's) backup documentation for overtime recorded by employees in NEATS.

Per the Executive Order, "directors must provide to the EBO (Executive Budget Office) a quarterly report of overtime worked." Subsequent to the Executive Order, the ability to provide this data from the centralized payroll system has been demonstrated and the Division of Budget and Planning within the Nevada Department of Administration compiles a quarterly report for release within state government and to the public. This report lists, by department, agency and budget account, the combined total of compensatory and paid overtime, the dollar value of this overtime, changes from previous quarter and fiscal year, and overtime/compensatory time as a percentage of department base pay. The report also ranks departments, agencies and budget accounts by overtime usage.

In addition, the Executive Order states "Executive Branch auditors shall audit overtime policies, practices, and compliance with this order...".

EXCEPTIONS

Any exceptions to the provisions of this policy must be approved by the Director upon the request of a Division Administrator.

 Approved By (DCNR Director)	<u>6/28/10</u> Date
--	------------------------

**DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
Overtime Approval Form**

Division _____ B/A _____ Date _____

Prepared by _____ Title _____

Is this a request for Department Director pre-approval? Y N

- *If not for pre-approval, who in authority granted "special circumstances" overtime at the time of the accrual? Which special circumstance?*

24/7 Emergency Coverage Protect Life, Safety & Wellbeing of Citizens/Visitors

What is the date of, reason for and number of hours related to the overtime?

- *If this is either a pre- or special circumstances approval, why can't/couldn't the need be delayed or handled by another employee?*

- *If this is either a pre- or special circumstances approval, why can't/couldn't the need be handled through flex time?*

- *Is this a request for paid overtime, rather than compensatory overtime? Y N
If yes, please state your justification for this request.*

Division Administrator Initials _____ Department Director Initials _____

Date _____ Date _____

Department Director overtime determination of situation as in "the best interest of the State." _____