

**STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
POLICY STATEMENT
ON
WORK SCHEDULES**

Policy 2.3.1

Effective: 06/01/2012
Revision: N/A

PURPOSE

To allow Divisions within the Department of Administration to implement work schedules to meet their unique workforce needs within the provisions of this policy and the requirements of the Executive Order of March 15, 2010 issued by the Governor.

AUTHORITY & REFERENCES:

NRS 281.100, NRS 281.110, NRS 284.148, NRS 284.180, NAC 284.0637, 0638, 067, 071, 072, and 100, NAC 284.524, Department of Administration Furlough Policy, Department of Administration Overtime Policy, the Governor's Executive Order of March 15, 2010.

NRS 281.110 (as amended by AB 37): States in part:

The offices of all state officers, departments, boards, commissions and agencies must:

1. Maintain not less than a 40-hour workweek.
2. Variable workweek scheduling may be required in those agencies where coverage is needed on Saturdays, Sundays and legal holidays or on other days during other hours, as necessary.
 - a. The offices of all state officers, departments, boards, commissions and agencies must physically post the days and hours of operation at the office. If the days or hours of operation for the office change, the new days and hours of operation must be: Posted physically at the office;
 - b. Posted on the website of the office, if any; or
 - c. Otherwise noticed publicly,at least 30 days before the change becomes effective.

POLICY

It is the policy of the Department of Administration to allow the use of work schedules as a tool to improve efficiency, decrease costs to employees and the State and improve employee morale consistent with the Executive Order by the Governor dated March 15, 2010.

Within the Department of Administration, Division Administrators may justify and request approval for closure of their work site from the Director of the Department if they determine that their division, or a workgroup within their division, would allow for closure of that work site one day per week and where the affected employees will work a weekly schedule of four ten hour days (4-10's), in accordance with the Governor's Executive Order of March 15, 2010. For the affected work group, a vote must take place with a majority consent documented for the purpose of overtime approval in accordance with NRS 284.180 (8) which states: *An agency may experiment with innovative workweeks upon the approval of the head of the agency and after majority consent of the affected employees. The affected employees are eligible for overtime only after working 40 hours in a workweek.*

Offices or work units may develop a plan to allow employees to work schedules alternative to the standard. Individuals or groups of employees may request an alternative schedule. To this end, each Division should direct office and unit managers to assess current and future scheduling needs in terms of alternative work schedules.

Work Schedules

Each Division Administrator shall manage work schedules within the parameters of the general definitions and guidelines provided in this policy.

As a general rule, employees are assumed to work a "standard work schedule" unless otherwise approved as outlined in this policy. If an employee is changing their work schedule Department of Administration's, Division of Human Resource Management's, Agency Human Resource Services Section (AHRS) should be advised promptly.

General Definitions

Standard Work Week (NAC 284.100)

The standard workweek means 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.

*Example: (one-hour meal period)
8:00 a.m. – 5:00 p.m. Monday – Friday
7:30 a.m. – 4:30 p.m. Monday – Friday*

Non-Standard Workweek (NAC 284.072)

The non-standard 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.

Innovative Workweek (NAC 284.067)

The innovative workweek means a work schedule that differs from standard or non-standard workweek.

Example: (one-hour meal period)
6:00 a.m. – 5:00 p.m. Monday – Thursday (4-10s)
OR
7:00 a.m. – 5:00 p.m. Monday – Thursday, and
7:00 a.m. – 11:00 a.m. Friday

Variable Work Schedule

A variable work schedule may be a permanent work schedule as with an innovative workweek. The schedule is also commonly used in conjunction with a standard or non-standard schedule to allow for flexibility in hours when unforeseen circumstances arise. The variable workday is available to an employee, whose position is deemed non-exempt for overtime purposes by the Fair Labor Standards Act (FLSA), through a voluntary written agreement between the employee and the employer (form TS-78). A variable schedule, sometimes referred to as a “flex” schedule, may be used as provided by NRS 281.100.

All employees who choose and are approved for the variable workday may use this schedule with prior approval of the supervisor.

The employee, and the employer (or designated representative) must have signed form TS-78 prior to the employee being allowed to work more than eight hours in a day. The variable schedule must be worked within a 40-hour period beginning Monday and ending the following Sunday. Further, the signed agreement must be forwarded to AHRS so that the appropriate changes can be made to the employee’s work schedule code.

Classifications (Classes) and positions eligible for a variable workweek schedule will be subject to approval by the Division Administrator.

Exempt Employee (NAC 284.0637, and NAC 284.065)

An exempt employee whether unclassified or classified is an employee who is exempt from overtime and is subject to the other provisions as described in NRS284.148.

Non-Exempt Employee

A non-exempt employee is an employee who is subject to overtime and who is not subject to the provisions of NRS.284.148.

SCOPE

This policy applies to all employees working under the authority of or within the Department of Administration.

RESPONSIBILITY

* Forms may be found at <http://dop.nv.gov/forms.html>

Employees are responsible for requesting an alternative workweek schedule when desired and adhering to this policy. Supervisors/managers are responsible for assuring that employees who are approved and work an alternative workweek, or variable workday properly record their time, including any overtime.

Supervisors/managers are responsible for assuring that an employee's alternative workweek does not negatively impact services or in any way compromise the ability of the individual or division to perform its work or create significant added costs. This includes, but is not limited to, interaction with the public, contractors, other agencies, and other department employees.

Division Administrators are responsible for determining the appropriateness of an employee's request for alternative workweek and assuring that the implementation is not detrimental to the interests of the Division.

Guidelines for Divisions to consider in granting alternate work schedules include but are not limited to: cost/benefit analysis; customer/client hours; time/scheduling limits; classes of positions allowed; supervision; systems/administrative support; security; energy conservation; attendance and leave; lunch and rest periods.

Attendance and Leave

Administration policy requires employees on an innovative workweek to use the appropriate number of leave hours for days missed (for example, 10 hours of sick leave for a 10 hour workday absence), unless as otherwise provided for in this policy.

Any week in which a holiday(s) occur, it is preferred that employees revert to a standard work schedule of working eight-hour days for the remainder of the week or take leave to make up the difference between their scheduled shift and the holiday.

Examples of typical holiday exceptions and how to handle them:

John works 4-10's and Monday through Thursday are his regular workdays with Friday being his regular day off (RDO).

The holiday falls on Monday so John must either report two hours of approved leave (e.g., used annual leave) to make up the difference between his 8 hour holiday benefit and his 10-hr shift, **or** he must work an additional two hours sometime in the workweek where practicable and with supervisory approval.

For John when the holiday falls on a Friday (his RDO), since he is still entitled to a holiday benefit, he must make arrangements to either revert to a standard 8 hour workday or otherwise ensure he works no more than 32 hours in the week of the holiday so that a compensable day off holiday liability is not created.

Furlough leave must still be taken in accordance with the Department of Administrations Furlough policy.

Lunch and Rest Periods

All full time employees must take a minimum of one half hour (unpaid) as a lunch break as provided for in NAC 284.524. This applies regardless of the work schedule an employee is on.

A rest period (break) of 15 minutes will be granted for each 4-hour period of work, taken insofar as practicable in the middle of the 4-hour work period. Rest periods do not accumulate; if not taken, they are forfeited.

Approval Process

All requests for alternative work schedules must be submitted through the appropriate Division's chain-of-command for final approval by the Division Administrator. A copy of the final agreement shall be submitted to AHRS.

Alternative Work Schedule Employee Agreement Form/Variable Work Day Agreement

An employee agreement is required for employees working an innovative work schedule. The form *Alternative Work Schedule – Employee Agreement*, contained within this policy, specifies the schedule to be worked, the conditions under which a standard workweek (e.g., Monday – Friday, 8:00 – 5:00) shall be worked, acknowledgement that the schedule may be revoked at any time when it no longer serves the interests of the Division, and acknowledgement of leave reporting requirements.

While work schedules may be revoked at any time they no longer serve the interests of the Division, employees should be given at least two weeks notice of the change in work schedule where feasible.

Employees requesting innovative work schedules exceeding 8 hours in a day must sign a Variable Work Day Agreement form TS-78, unless the employee's position is FLSA exempt for overtime purposes. This agreement may be rescinded by either party giving 30 working days notice.

NOTE – for employees entering into either or both of the agreements provided for in this policy, a copy must be forwarded to AHRS so that the appropriate documents may be processed to ensure the employee's employment records reflect such agreements.

Policy Communication

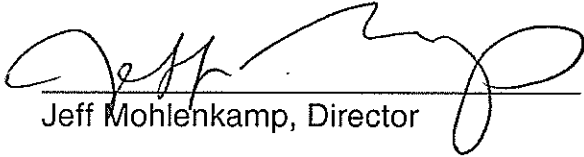
This policy will be communicated to all employees and an employee should ask for clarification if needed.

Job Sharing

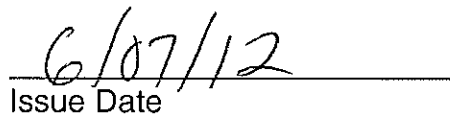
Each Division may allow job sharing based on available funds.

Career Part-time Employment

Each Division may allow career part-time employment based on available funds. Career part-time employment is defined as less than full-time employment.



Jeff Mohlenkamp, Director



Issue Date

**STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
ALTERNATIVE WORK SCHEDULE - EMPLOYEE AGREEMENT**

I, _____, agree to adhere to the following provisions as a condition of participation in the alternative work schedule program:

1. Work hours will be from _____ to _____, _____ days a week.
2. I will work a standard work schedule of eight hours a day when it is deemed necessary to meet the needs of the agency.
3. I enter into this agreement in good faith that I will do my best to help the team realize the benefits outlined:
 - A. More efficient delivery of benefits
 - B. Better customer service
 - C. Better morale and motivation
4. I understand when I take a day of annual or sick leave, I am required to use the number of hours I am actually absent (i.e., regular work day is 10 hours, then 10 hours must be recorded).
5. I understand violations of this agreement may result in the loss of the alternative work schedule and may result in disciplinary action.
6. I understand this agreement may be revoked at any time if the schedule no longer serves the interests of the division.
7. I understand if my regular schedule requires me to work more than eight hours in a day, I must sign a variable work day agreement.

Employee Signature: _____ **Date:** _____

Supervisor Signature: _____ **Date:** _____