Policy: It shall be the policy of the Division to account for all non-excluded employee overtime worked in accordance with NAC 284.250.

Purpose: To clarify when and how compensatory time can be utilized once earned by employee.

Procedures:

I. Work time in excess of 40 hours per week must be compensated by pay at time and one half, unless an agreement was made prior to the performance of the work for compensatory time off in lieu of payment. If acceptable to the agency, the agreement may give the employee the option of choosing between pay and compensatory time with each occurrence of overtime. Compensatory time must be approved in advance of the time worked, whenever possible. Unless, it would cause an employee to forfeit an amount of annual leave pursuant to subsection 2 of NRS 284.350, an employee must, to the extent possible, exhaust his compensatory time before he uses his available annual leave.

II. An agreement providing for compensatory time in lieu of payment for overtime worked in excess of 40 hours in a week must be between the appointing authority and the employee's representative if the representative meets conditions set forth in the Fair Labor Standards Act. The State of Nevada Employee's Association (SNEA) is the only representative recognized by the state to enter into agreements for this purpose. All other agreements for this purpose must be between the appointing authority and the employee.

III. For holiday premium pay, standby pay, or overtime in excess of eight (8) hours per day for employees on a standard workweek (provided it does not exceed 40 hours of work time per week), the employers has the option of granting either pay or compensatory time off. There is no legal requirement that compensation be in the form of pay in these cases. Any exclusion of such time from a written agreement giving an employee the right to choose the form of compensation should specify that it only pertains to overtime worked in excess of 40 hours in a workweek.

IV. Each agency shall formulate policies and procedures to implement the provisions in this policy or shall incorporate this policy into its policy and procedure manual.

Administrator

Effective Date: 11/1/97
Date Revised: 8/21/07
Date Reviewed: 11/1/99, 3/10/05
Date Approved by MHDS Commission: