

Policy: When assigning employees' work areas, workdays, and shift assignments, an agency's top priority is to evaluate the assignments in terms of the agency's mission, goals, and objectives. These considerations shall include but are not limited to the agency's ability to accomplish the following:

- Provide quality consumer care including appropriate response to individual consumer needs;
- Maintain applicable health and safety standards;
- Meet expectations of relevant licensing and accreditation bodies; and
- Respond to emergency needs.

Purpose: To provide clarification on why and how MHDS agency employees are assigned to various shifts and duties.

Procedure:

I. Agency Priorities:

- A. Consideration of priorities will at times require that agencies consider available employees' relative skills, knowledge, abilities, physical strength, gender, etc., depending on the priority at issue.
- B. Top priority considerations as discussed above must be satisfied before an agency makes a scheduling decision on the basis of a second-tier priority. If an agency's consideration of top priorities results in a decision (prior to issuance of a general announcement, bidding notice, etc.) that a particular employee is the only or best suited for the work area, workdays, and/or shift in question, the agency does not need to proceed with a bidding process. However, the agency's consideration of top priorities may occur at any time, including after it invites bids on the available assignment(s).
- C. Agencies are also required to identify second-tier priorities to be considered after top priorities have been met. Each agency shall include seniority, along with any other second-tier priorities it may identify.
- D. Where relevant, Division agencies are also encouraged to use the above-described top priority and second-tier priorities in making other decisions regarding employees.

II. Definition of Seniority:

- A. The first definition of seniority for schedule bidding purposes is the length of continuous full-time equivalent service within the current agency (i.e., SNAMHS, NNAMHS, DRC). Since forensic specialists comprise a specialized and unique occupational series within MHDS, seniority for those staff will be defined as length of time in the series (inclusive of length of time as FS I, II, III) within the current agency (Lakes Crossing Center).

B. If there is a tie between employees after applying its primary definition of seniority, the following definitions are to be used in order until the tie is broken:

1. Length of continuous full-time equivalent service within the Division;
2. Length of continuous full-time equivalent service within the state;
3. Length of all direct service client care experience within the state.

III. Calculating Seniority:

A. For all agencies in the Division, seniority is not to be counted prior to the most recent break in service except in the following circumstances:

1. If the most recent break in service was due to layoff as outlined in NAC 284.614, and the employee was re-employed within one year from the date of layoff, service prior to the layoff will be counted toward seniority.
2. If an agency reaches the final tie-breaking definition (length of all direct service consumer care experience within state service), all such experience is to be considered.

B. In computing seniority, the time covered by a report on performance with an overall rating of "below standard" or "unacceptable" made during the last four years must not be included, except that no report may be considered for the time covered within 75 calendar days before the assignment change is made. The time covered by a report of below standard performance runs from the date the report was filed with state personnel until the date recorded on a subsequent report on performance as the date on which performance improved to standard or better. If no subsequent report on performance is filed by the date required by NRS 284.340, the employee's performance shall be deemed standard effective the date the report was due, and until and unless a subsequent report with an overall substandard rating is filed with the department of personnel.

IV. Each 24-hour agency shall develop a policy and procedure statement providing detail on its method of making scheduling decisions for employees in its 24-hour client care operations. This shall include the top priority considerations as well as second-tier priorities indicated in this policy, along with any others important to the agency. It is expected that employee input will be solicited as part of the development of each agency's policy and procedures, along with Division review before finalization. The policy shall be made available to all agency employees.



Administrator

Effective Date: 6/29/01
Revised Date: 6/12/01, 2/20/07

Approved by the Commission on MHDS: 6/29/01

2/20/07 HC