

III. REFERENCES: MHDS Policy #HR 3.5, Overtime; Policy #5.017, Earning/Using Compensatory Time;, NRS 284.148, NRS 284.180, NAC 284.242 –NAC 284.250; NNAMHS Policy NN-HR-33 Flexible Scheduling and Variable Workday

IV. PROCEDURES:

- a. Only employees in classifications considered nonexempt by the State may be paid overtime. Exempt and nonexempt classes are identified in the Division of Human Resource Management's Classification and Compensation Plan. NNAMHS grants flex-time, compensatory time, and overtime when additional staff is needed to fill a vacant shift, meet Divisional deadlines, emergency needs, or additional staff is required to fulfill top level priorities in patient care based on increased patient acuity. 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. The Agency 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 their compensatory time before they use their available annual leave.
- b. The Agency Director or the Agency Business Manager will have final authorization of overtime. The Agency Director will set priorities for how overtime will be allocated.
- c. Options for management of human resources should be considered in the follow order:
 - 1) Offer to employees willing to use flexible scheduling
 - 2) Offer to employees willing to accrue compensatory time

- 3) Offer to employees willing to receive overtime pay.
 - d. Managers must consider, when approving or requesting employees to work overtime, if that employee has taken sick leave, family sick leave, or workers compensation leave in the same week as the overtime before making a decision.
 - e. Employees on Annual Leave may work overtime but cannot take Annual Leave and work overtime simultaneously.
 - f. Overtime is paid at the rate of time and one-half.
 - g. Nonexempt employees who choose, and are approved for a variable workday schedule, are eligible for compensatory time or overtime only after working 40 hours in a workweek. Employees who do not have an approved variable workday schedule are to be paid overtime after 8 hours in a workday.
 - h. The employer is to communicate the need for affected employees to work overtime at least 4 hours in advance, unless this is not possible due to unforeseen circumstances. When a supervisor realizes there is a need for overtime, the supervisor must obtain approval from either the Agency Director or Business Manager prior to authorizing the employee to complete an overtime request on the NEATS system. The Administrator on Call will be able to provide provisional approval but the supervisor will still need to request final approval from the Agency Director or the Business Manager.
 - i. In the event of an immediate, urgent need (or if the need for additional staff is for less than four (4) hours, the supervisor in charge may request on-duty staff to work overtime or may request off-duty staff to come in early after discussion with the Administrator on Call.
 - j. Employees may not work more than twenty four (24) hours of overtime in a week.

- k. Employees requesting permission to work overtime must complete an overtime request on NEATS after receiving the prompt to do so from their supervisor. The supervisor will obtain prior approval from the Agency Director or the Business Manager.
- l. Overtime for direct care employees in a 24-hour facility may be initially authorized and documented by the immediate supervisor. The supervisor will immediately notify the Agency Director and the Business Manager. The employee will need to either create an overtime request for pre-approved time or manually enter overtime for a past date into the time sheet with a note in the notation portion of the NEATS timesheet. The supervisor will show approval by approving the timesheet.
- m. Once an employee's compensatory time balance reaches 60 hours, management will review workloads and document cause(s) for excess hours.
- n. Employees having a Compensatory time balance of 60 or more hours will be required to take overtime for pay unless approved by the supervisor and the Agency Director or Business Manager.
- o. Employees with a balance of Compensatory time in excess of 120 hours are not eligible to accrue additional Compensatory time unless there is a signed agreement providing for accrual of compensatory time above 120 hours but not to exceed 240 hours
- p. Agency ASO's are expected to pay off compensatory time balances when sufficient funding is available at the end of a fiscal year for:
 - 1) Any hours over 30 total hours of compensatory time
 - 2) Any employee in danger of losing annual leave by exceeding 240 hours on December 31 of the given year.