

**STATE OF NEVADA  
DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIVISION OF CHILD AND FAMILY SERVICES**

**OVERTIME POLICY**

It is the Division's policy to keep overtime at an absolute minimum. To this end, all overtime requests must be submitted using the *Department of Health and Human Services request to accrue overtime or compensatory time* form. It is the responsibility of each Supervisor and Manager to ensure sound management principles are incorporated for proper workload planning and distribution, thereby making most overtime unnecessary with the exception of emergency situations. All requests to accrue overtime or compensatory time must have a detailed explanation as to why the employee is receiving overtime for pay or compensatory time. Employees should report overtime worked on their timesheet and use the appropriate numeric code associated with the reason for the overtime. Approved request forms must be maintained by the Supervisor for one (1) year.

Supervisors should take particular care to allocate overtime to the appropriate overtime code. Timesheets and requests to accrue overtime or compensatory time not coded correctly will be rejected, and payment for overtime or credit for compensatory time may be delayed. When overtime is approved, the following codes are to be used and entered on the timesheet:

**OVERTIME REASON CODES**

- |   |   |
|---|---|
| 1. Accidents  | 19. Investigations  |
| 2. Accounting Fiscal Issues   | 20. Meetings  |
| 3. Administration   | 21. Office Support Activities   |
| 4. Administrative Support   | 22. Personnel Issues  |
| 5. Backlog Reduction  | 23. Program/Project Deadlines   |
| 6. Budget Preparation/Response  | 24. Site/Equipment Repair   |
| 7. Client Meetings  | 25. Special Events  |
| 8. Client Services  | 26. Staff Meetings  |
| 9. Conferences  | 27. Training  |
| 10. Court   | 28. Training New Personnel  |
| 11. Coverage – Annual Leave/Military Leave  | 29. Travel  |
| 12. Coverage – 24-Hour Facility - Use for staff brought in to maintain required staffing ratios | 30. Workload  |
| 13. Coverage – Holidays/Weekends  | 31. Workshops   |
| 14. Coverage – Injuries   | 52. Youth Runaway Duty  |
| 15. Coverage – Scheduled Sick Leave   | 59. DHHS Defined – Shift Call Off – Use when coverage is needed because of unanticipated absences |
| 16. Coverage – Training   | 64. Sick Room Coverage  |
| 17. Coverage - Vacant Positions   | 65. Suicide Watch   |
|   | 80. Acute Intake  |

As indicated in the Governor’s Executive Order Establishing Innovative Work Schedules, all overtime whether for pay or compensatory time requires prior approval of the Director or the person to whom the Director has delegated approval authority in specific circumstances. The circumstances in which the Director may delegate the approval process include:

- 24/7 facilities/operations where it may be necessary to work overtime to maintain safety, adequate staffing ratios or provide coverage in emergency situations;
- Situations where it is in the best interest of the State as determined by the Director; and
- Work necessary to protect life, safety and well-being of Nevada citizens and visitors.

**DELEGATED AUTHORIZATION**

<b>DCFS-AGENCY</b>	<b>POSITION AUTHORIZED TO APPROVE</b>	<b>PURPOSE AUTHORIZED TO APPROVE</b>	<b>COMMENTS</b>
Division wide	Administrator	All specific circumstances	
NYTC; Caliente	Assistant Superintendent or Superintendent	For direct care staff to maintain appropriate 24hr. Coverage	With following day signature by Division Administrator
DWTC	Deputy Administrator, Children’s Mental Health	For direct care staff to maintain appropriate 24hr. Coverage	With following day signature by Division Administrator
Residential Treatment Facilities	Deputy Administrator, Children’s Mental Health	For direct care staff to maintain appropriate 24hr. Coverage	With following day signature by Division Administrator
Child Welfare	Social Service Manager	Approval the following day for on-call social work staff that are called out	With following day signature by Division Administrator
Youth Parole	Chief of Youth Parole	Approval the following day for on-call youth parole counselors who are called out	With following day signature by Division Administrator

For overtime/compensatory time authorization outside the specific circumstances noted above, prior authorization of both the Division Administrator and the Director of Health and Human Services will be required.

When overtime is required and has been approved, all federal and state laws, Department of Personnel Rules, and Division of Child and Family Services Policies must be observed.

## A. OVERTIME ACCRUAL

**Except as provided in the variable schedule policy (Section 230.3.1[F]),** overtime must be granted to all employees who work in excess of eight (8) hours in a day. Sick and annual leave will be considered time worked for the purpose of determining overtime for pay or compensatory time, pursuant to NAC 284.245.

A variable workday may be utilized based on NAC 284.524 and NRS 284.180.

1. Those employees who choose and are approved for a variable work schedule will be considered for overtime only after working forty (40) hours in one (1) week.

**Except in emergencies, Supervisors will not approve overtime for an employee during a work week when he/she has used annual or sick leave.**

2. A variable workweek schedule must be worked within a forty (40) hour period beginning Monday through the following Sunday.
3. An employee must not be required to work a variable work schedule.

To reduce overtime, Managers may utilize a variable work schedule policy in situations where duties and responsibilities require the need for working abnormal hours and the employee has signed an agreement to utilize the variable workday schedule.

4. **Those employees working a standard 8-hour work day that have not elected a variable work week schedule, are prohibited from working additional hours or varying their work schedule in the same day sick or annual leave have been used.** Any additional hours worked must be pre-approved by the appropriate Deputy Administrator or his/her designee.

## B. ACCRUAL RATE

Overtime will be accrued at the rate of time and one-half of the employee's normal pay rates for all non-exempt employees. The Classification Plan published by State Personnel identifies each class in the Classified Service as exempt or non-exempt. Exempt employees are not eligible for overtime compensation.

## C. OVERTIME COMPENSATION

Pursuant to NAC 284.250, the principal method of overtime compensation is cash payment. Compensatory (comp) time off may be granted if the employee and Appointing Authority agree and are in compliance with the Fair Labor Standards

Act. Compensatory time off must be taken within a reasonable time after accrual at the direction of the Appointing Authority.

U.S. 29 CFR 553.23 permits an agreement or understanding between a public Agency and an employee to provide for compensatory time in lieu of cash payment. Absent such an agreement, overtime must be paid in cash. The State limitation of one hundred twenty (120) hours may be extended to two hundred forty (240) hours in accordance with the Fair Labor Standards Act (FLSA) with agreement of both parties. (*See* NAC 284.250.) Refer to Memo PERD #20/93 for compensatory time agreements with representatives of employees.

In compliance with U.S. 29 C.F.R. 553.23 no employee will be allowed to accrue compensatory time in excess of one hundred twenty (120) hours unless a signed Election of Compensatory Time form is on file in the Agency Personnel File. If this form is signed and on file in the Agency Personnel File, an employee can accrue compensatory time up to two hundred forty (240) hours. This form is given to new employees during their orientation and is available to other employees through their Regional Personnel Services Offices.

If an employee is qualified to accrue in excess of two hundred forty (240) hours of compensatory time, he/she can only cash out hours **over** two hundred forty (240) hours.

If an employee is qualified to accrue one hundred twenty (120) hours of compensatory time, he/she can only cash out hours **over** one hundred twenty (120) hours.

In accordance with NAC 284.2508, 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/her compensatory time before he/she uses his/her available annual leave.

An employee must not be unreasonably denied the opportunity to use compensatory time if the request is made two (2) weeks in advance. The employee should direct questions regarding overtime compensation to the Regional Personnel Services Office.