

## DEPARTMENT OF HEALTH & HUMAN SERVICES

### FLEXIBLE WORK ARRANGMENT POLICY

**NRS 281.110:** State offices must remain open to the public from 8:00 a.m. to 5:00 p.m., Monday through Friday.

**POLICY:** To establish the use of flexible work arrangements as a tool to strengthen employee morale, increase productivity, enhance customer service and control costs consistent with the Executive Order by the Governor dated November 29, 2000. To this end, the Department of Health & Human Services requires each division to develop and implement a policy to meet its unique workforce needs.

#### I. Alternative Work Schedules

Each division shall develop a policy providing for alternative work schedules within the parameters of the general definitions and guidelines for division polices.

##### A. General Definitions

1. Standard Work Week (NAC 284.100)

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 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

2. Non-Standard Work Week (NAC 284.072)

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.

Example: (one-half hour meal period)

3:00 p.m. - 11:30 p.m. Saturday - Wednesday

11:00 p.m.-7:30 a.m. Sunday -Thursday

### 3. Innovative Work Week (NAC 284.067)

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 (4-10's)

OR

7:00 a.m. - 4:00 p.m. Monday and Tuesday; plus

6:00 am. - 3:00 p.m. Wednesday and Thursday, and

9:00 a.m. - 6:00 p.m. Friday

Services and programs must be responsive to the needs of our clients and the public.

### 4. Variable Work Schedule

A variable work schedule may be a permanent work schedule as with an innovative work week. 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 work day is available to an employee through a voluntary written agreement between the employee and the employer and a work cycle code of SV is entered into ADVANTAGE - HR. A variable schedule, sometimes referred to as a "flex" schedule, may be used as provided by NRS 281.100 (overtime).

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

Supervisors must have a signed agreement with the employee prior to scheduling and allowing the variable hours. The variable schedule must be worked with in a 40-hour period beginning Monday and ending the following Sunday.

Classes and positions eligible for a variable work week schedule will be subject to approval by the division administrator.

## **B. Guidelines for Division Policies**

Divisions must address the following factors in their alternative work schedule policies.

### 1. Client Hours

Division policy must specify operating hours for client service that meet or exceed the requirements of NRS 281.110.

### 2. Time/Scheduling Limits

Division policy must specify the scheduling limits for alternative work schedules to include the earliest start times and latest quit times.

### 3. Classes of Positions Allowed

Division policy must specify which classes of positions will be allowed to participate in alternative work schedule program.

### 4. Supervision

Division policy must provide for adequate supervisory coverage for employees working innovative work weeks.

### 5. Systems/Administrative Support

Division policy must consider the availability of systems and administrative support for employees for the alternative work schedule.

### 6. Security

Division policy must address building security issues in conjunction with the approval of alternative work schedules.

### 7. Attendance and Leave

Division policy must include specific information regarding leave usage requirements for employees who request and are approved for an innovative work week involving work days exceeding eight hours.

DEPARTMENT OF HEALTH & HUMAN SERVICES  
DIRECTOR'S OFFICE  
PERSONNEL PROCEDURES

NO. 201 OVERTIME & FLEX TIME

I. Definitions

A. Exempt Employee

An employee who is exempt from the minimum wage and overtime provisions of the federal Fair Labor Standards Act (FLSA) and who is described in subsection 1 or 2 of NRS 284.148. To be exempt under FLSA, an employee must be employed in a bona fide executive, administrative, professional or outside sales capacity. The test for exempt status includes reviewing the salary level for the position, job duties, and whether the employee is paid on a salary basis.

The Department of Personnel (D.O.P.) determines whether or not a position is exempt. D.O.P. maintains the compensation schedule for unclassified employees. Non-exempt positions are designated with a "N" and exempt positions are designated with an "E".

B. Non-Exempt Employee

An employee who is not exempt from the minimum wage and overtime provisions of the federal Fair Labor Standards Act (FLSA) and who is not subject to the provisions of NRS 284.148.

The Department of Personnel (D.O.P.) determines whether or not a position/class is exempt. D.O.P. maintains a Classification and Compensation Plan for positions in the classified service of the State. Non-exempt classes are designated with a "N" and exempt classes are designated with an "E".

C. Overtime

With certain exceptions, overtime is considered hours worked by a non-exempt employee in excess of forty hours in a week or in excess of eight hours in a day. One exception is for an employee who chooses and is approved for a variable workday, in which case overtime is considered hours worked in excess of forty hours in a week.

Overtime hours worked are compensated in cash or in compensatory time at the rate time and one-half

D. Compensatory Time

Paid time off which is accrued by a non-exempt employee in lieu of cash overtime payment. Compensatory time is earned at one and one half hours for each hour of overtime worked.

## II. Approval for Overtime

A. Requests to work overtime, whether for cash payment or for compensatory time, must be submitted in advance of working the overtime to the supervisor on the overtime/leave approval request form. The request must include the date and time for which the overtime is being sought and the assignments which are intended to be completed during the overtime hours.

B. If the supervisor agrees with the request for overtime, the supervisor must submit the request to the Director for approval prior to authorizing the employee to work the overtime.

C. Supervisors are responsible to ensure their subordinates do not work overtime without authorization and do not work overtime without reporting it.

## III. Compensatory Time

A. If an employee has signed an Election of Compensatory Time form, compensatory time will be earned for any overtime worked up to the maximum amount provided for in the agreement which is 120 hours in the standard agreement. Overtime worked in excess of the maximum allowed must be paid in cash.

B. A compensatory agreement to provide for the accrual of up to 240 hours of compensatory time may be entered into if sufficient reason exists and the agreement is approved by the Director.

C. Any signed compensatory agreement must be retained in the employee's agency personnel file. At the time an agreement is signed, the employee and the supervisor receive a copy. The supervisor must not authorize overtime for cash if the employee has entered into a compensatory time agreement.

D. Any payoff of compensatory time balances requires the advance approval of the Director.

## IV. Flex Time

A. If a non-exempt employee has requested and been approved for a Variable Workday Agreement, the employee may, with prior supervisory approval, work more than eight hours in a day without entering overtime status, provided the employee does not work more than 40 hours in the workweek. The workweek begins on Monday and ends on the following Sunday. Hours flexed on and flexed off must be accounted for in the same 40-hour workweek.

B. Any signed variable workday agreement must be retained in the employee's agency personnel file. At the time an agreement is signed, the employee and the supervisor receive a copy.

C. Approval of the supervisor is necessary, prior to an employee flexing time on or flexing time off. The supervisor must not approve flex time which involves an employee working more than eight hours in one day if the employee does not have a Variable Workday Agreement on file.

Effective Date: 06/09  
Revision Dates:

References: NRS 284.180; NRS 281.110 (*rev. 2003*)  
NAC 284.524 (*rev. 2005*);  
DHHS Flexible Work Arrangement Policy