



## Flexible Work Schedule Procedure

### **Policy Statement**

It has been the practice of UNLV to allow the use of flexible work schedules where it is a viable management work option, and based on the individual circumstances of an employee and the ability for the unit to accommodate this while meeting institutional requirements. The University recognizes how such work options have benefited employees when both operational and employee personal needs can be addressed. The authority for these adjustments to the normal work hours are within the existing personnel policies and procedures of the University, but have never been highlighted in their own policy document. Therefore, this initiative is being undertaken to issue a procedure to help focus and highlight the options available to supervisors and employees. The information contained in this procedure is not new, but the format is.

Participation in any adjustment to the normal work schedule is usually voluntary, unless necessitated due to workload, and subject to approval at the current level where such requests have been considered in the past, whether it be the appropriate Vice President/Cabinet Member, unit manager or direct supervisor.

Participation is not an employee right or benefit and may be discontinued by either party with a two week written notice. A flexible work schedule may not be appropriate to all areas of the University, especially those having limited staff or 24 hour operations.

### **Eligibility**

This flexibility is available to all full-time, regular, classified employees; faculty and professional staff as determined by the operational needs of the work group and upon approval of the appropriate supervisor. Given that faculty and professional staff are salaried employees who are exempt from overtime pay, it is assumed that they are not on a 40-hour work week and as a result, there will be obvious differences in appropriate implementation for these groups in contrast to hourly-paid classified staff who are eligible for overtime pay under federal wage and hour standards.

### **Flexible Work Schedule Options**

Optional work schedules can include variable hours of the day and days of the week as determined by the appropriate unit manager or supervisor. As well, telecommuting may be considered for positions where feasible.

Hours for classified employees on a flexible work schedule cannot be modified by working through lunch. As has been the practice, an appointing authority shall provide a meal period and rest period to an employee who has a flexible work schedule during each workday as follows: (a)

A one-half to one-hour meal period must be provided during each period of work that exceeds six hours. Insofar as practicable, the meal period must occur in the middle of the work shift. (b) A rest period of 15 minutes must be provided for each four-hour period of work and, insofar as practicable, must occur in the middle of the period of work.

Flexible work schedule participants must work during a core hour time band to be determined by their department manager based on the needs of the specific work unit.

### **Definitions**

**Regular Work Schedule:** The normal University work schedule is a nine hour day, with an hour off for lunch, resulting in eight hours worked. The most common regular schedule involves working from 8:00 AM to 12:00 Noon and from 1:00 PM to 5:00 PM.

**Standard Work Week:** The normal work week at UNLV for non-exempt employees begins at 12:01 AM Sunday and ends at 12:00 Midnight the following Saturday.

### **Employee Initiated Flexible Work Schedule**

An employee should submit a request to their supervisor to work a flexible work schedule.

Vice Presidents/Cabinet Members, unit managers and direct supervisors are encouraged to make reasonable efforts to accommodate employee requests for flexible work schedules, but all should recognize that compressed work schedules are not a right or benefit and may be granted by the appropriate individual when the change in working hours will not interfere with the efficient operation of the department and the employee's work performance will not be adversely affected. Employees should check with their supervisor to determine who the appropriate person is to request a flexible work schedule. The decision to grant a flexible work schedule is at the sole discretion of the University.

### **Flexible Work Schedule Guidelines**

When establishing flexible work schedules, supervisors should consider the following:

1. Flexible work schedules must not adversely affect the services that are provided to other operating units, co-workers or the public. The quantity, quality, and timeliness of employee work must be enhanced or maintained.
2. Adequate supervisory contact and/or employee accountability must be maintained.
3. Flexible work schedules must not cause or contribute to the need for additional staff, or for classified staff to work additional overtime hours.
4. It is not required that flexible work schedules be uniformly available to all positions in an operating unit. Not every function is conducive to such alternate scheduling because of service requirements. This should not deter a manager with the authority to do so from approving or

establishing alternate work schedules for positions where such scheduling is possible and/or would enhance services.

5. No work schedule can be implemented that results in a full-time employee working less than 40 hours during the workweek. For faculty and professional staff, whose normal work week is considered to be a minimum of 40 hours, please remember that greater emphasis is placed on meeting the responsibilities assigned to the position regardless of the number of hours necessary in a given week.

6. Schedule changes initiated by the University or employee require a two week written notice unless parties mutually agree to the change.

7. The work schedule and duration of a flexible work schedule agreement must be in writing and copied to the departmental leave keeper.

8. Employees on an alternate work schedule earn the same rate of pay and are eligible for the same benefit programs as if they were working on a traditional five day, eight hours/day weekly schedule.

9. Annual and sick leave accrual schedules will not change. Annual and sick leave use will reflect the hours scheduled for the workday. For faculty and professional staff, leave usage and accrual will be converted to hourly balances.

10. There will be no change in the holiday schedule. Only eight hours of holiday pay will be provided. During weeks where paid holidays occur, it is suggested that the flexible work schedule be suspended and that participants revert to a traditional eight hour schedule so that holiday pay does not reduce or increase the total hours scheduled in the workweek. Advance notice of the change in work schedule is not required under this situation.

11. During weeks where the employee is scheduled for travel and/or training for one or more days during a pay period, it is recommended that the flexible work schedule be suspended and that participants revert to a traditional eight hour schedule. Advance notice of the change in work schedule is not required under this situation.

12. Participation in this program will not change University overtime or shift premium policy. If possible, employees should schedule non-emergency medical and personal appointments on their scheduled day off.

The University reserves the right to suspend, cancel or amend this policy at any time. It also reserves the right to cancel or suspend use of such a schedule by any employee who experiences performance or attendance problems deemed to be related to the new schedule. Such circumstances will be evaluated on a case-by-case basis.

## APPENDIX

### Legal References for Flexible Work Schedule Procedure:

#### **NRS 281.110 State offices to maintain 40-hour workweeks and remain open during certain hours; exception; variable schedules for workweek.**

1. Unless required for the efficient transaction of business and the convenience of the persons with whom business is transacted, the offices of all state officers, departments, boards, commissions and agencies must:

(a) Maintain not less than a 40-hour workweek.

(b) Be open for the transaction of business at least from 8 a.m. until 12 p.m. and from 1 p.m. until 5 p.m. every day of the year, with the exception of Saturdays, Sundays and legal holidays.

2. Variable workweek scheduling may be required in those agencies where coverage is needed on Saturdays, Sundays and legal holidays or on other days or during other hours, as necessary.

3. The offices of all state officers, departments, boards, commissions and agencies that are open on the days and during the hours set forth in paragraph (b) of subsection 1 must remain open during the noon hour of each working day if any such office has more than one person on its staff.

[1:294:1949; 1943 NCL § 6957.01]—(NRS A 1971, 589; 1973, 79; [2003, 1435](#))

#### **NRS 284.180 Pay plan to set official rates applicable to all positions in classified service; overtime; workweek for certain firefighters; innovative workweeks; existing contracts of employment.**

1. The Legislature declares that since uniform salary and wage rates and classifications are necessary for an effective and efficient personnel system, the pay plan must set the official rates applicable to all positions in the classified service, but the establishment of the pay plan in no way limits the authority of the Legislature relative to budgeted appropriations for salary and wage expenditures.

2. Credit for overtime work directed or approved by the head of an agency or his representative must be earned at the rate of time and one-half, except for those employees described in [NRS 284.148](#).

3. Except as otherwise provided in subsections 4, 6, 7 and 9, overtime is considered time worked in excess of:

(a) Eight hours in 1 calendar day;

(b) Eight hours in any 16-hour period; or

(c) A 40-hour week.

4. Firefighters who choose and are approved for a 24-hour shift shall be deemed to work an average of 56 hours per week and 2,912 hours per year, regardless of the actual number of hours worked or on paid leave during any biweekly pay period. A firefighter so assigned is entitled to receive 1/26 of his annual salary for each biweekly pay period. In addition, overtime must be considered time worked in excess of:

(a) Twenty-four hours in one scheduled shift; or

(b) Fifty-three hours average per week during one work period for those hours worked or on paid leave.

The appointing authority shall designate annually the length of the work period to be used in determining the work schedules for such firefighters. In addition to the regular amount paid such a firefighter for the deemed average of 56 hours per week, he is entitled to payment for the hours which comprise the difference between the 56-hour average and the overtime threshold of 53 hours average at a rate which will result in the equivalent of overtime payment for those hours.

5. The Commission shall adopt regulations to carry out the provisions of subsection 4.

6. For employees who choose and are approved for a variable workday, overtime will be considered only after working 40 hours in 1 week.

7. Employees who are eligible under the Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201 et seq., to work a variable 80-hour work schedule within a biweekly pay period and who choose and are approved for such a work schedule will be considered eligible for overtime only after working 80 hours biweekly, except those eligible employees who are approved for overtime in excess of one scheduled shift of 8 or more hours per day.

**8. *An agency may experiment with innovative workweeks upon the approval of the head of the agency and after majority consent of the affected employees. The affected employees are eligible for overtime only after working 40 hours in a workweek.***

9. This section does not supersede or conflict with existing contracts of employment for employees hired to work 24 hours a day in a home setting. Any future classification in which an employee will be required to work 24 hours a day in a home setting must be approved in advance by the Commission.

10. All overtime must be approved in advance by the appointing authority or his designee. No officer or employee, other than a director of a department or the chairman of a board, commission or similar body, may authorize overtime for himself. The chairman of a board, commission or similar body must approve in advance all overtime worked by members of the board, commission or similar body.

11. The Budget Division of the Department of Administration shall review all overtime worked by employees of the Executive Department to ensure that overtime is held to a minimum. The Budget Division shall report quarterly to the State Board of Examiners the amount of overtime worked in the quarter within the various agencies of the State.

[Part 24:351:1953]—(NRS A 1971, 1061; 1975, 242; 1983, 627, 1235, 1236; 1991, 1170; 1993, 2091; [1999, 252](#); [2003, 1439](#); [2005, 322](#))

**NAC 284.067 “Innovative workweek” defined. (NRS 284.065)** “Innovative workweek”

means a work schedule that differs from a standard or nonstandard workweek.

(Added to NAC by Dep’t of Personnel, eff. 10-26-84)

**NAC 284.072 “Nonstandard workweek” defined. (NRS 284.065)** “Nonstandard 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.

(Added to NAC by Dep’t of Personnel, eff. 10-26-84)

**NAC 284.100 “Standard workweek” defined. (NRS 284.065)** “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.

(Added to NAC by Dep’t of Personnel, eff. 10-26-84)

**NAC 284.255 Holidays: Holiday pay. (NRS 284.065, 284.155, 284.175, 284.180, 284.345)**

1. For the purpose of this section, “holiday pay” means payment for a holiday at a nonexempt employee’s normal rate of pay plus the differential rate of pay for the shift, when applicable, or compensatory time at a straight-time rate.

2. Except as otherwise provided in paragraph (c) of subsection 3 and subsections 5 and 7, a full-time nonexempt employee whose base hours are 40 hours per week or 80 hours biweekly is entitled to receive 8 hours of holiday pay for any holiday that he is in paid status during any portion of his shift immediately preceding the holiday.

3. Except as otherwise provided in subsections 5 and 7:

(a) A full-time nonexempt employee whose base hours exceed 40 hours per week or 80 hours biweekly and who is in paid status during any portion of his shift immediately preceding a holiday is entitled to receive holiday pay equal to the pay he receives for his average workday.

For the purposes of this paragraph:

(1) The average workday of a nonexempt employee is determined by dividing the total base hours of work per year by 2,088 and multiplying the quotient by 8.

(2) A firefighter assigned to a 24-hour shift shall be deemed to work 56 hours per week and 2,912 hours per year.

(b) A part-time nonexempt employee is entitled to receive holiday pay when he is in paid status during any portion of his shift immediately preceding the holiday if a holiday occurs on a normally scheduled workday of the employee. Except as otherwise provided in this paragraph, if such an employee is not required to work his normally scheduled workday on the holiday, the

amount of holiday pay must equal the amount that he would have been paid if there had not been a holiday, but may not exceed the equivalent of his pay for 8 hours of work.

(c) A:

***(1) Full-time nonexempt employee with an innovative workweek agreement may earn additional holiday pay on an hour-for-hour basis for any hours he works in excess of the holiday ay provided in paragraph (a) and in subsection 2, not to exceed the number of hours in his established workday as set forth in his innovative workweek agreement.***

(2) Part-time nonexempt employee may earn holiday pay on an hour-for-hour basis for any hours he works on a holiday, not to exceed the number of hours in his established workday.

4. If a holiday occurs on the regularly scheduled workday of a nonexempt employee and his normal schedule of work is more than 8 hours, he must be in paid status or be placed on leave without pay for any difference between his holiday pay and his normal work schedule. An appointing authority may adjust the work schedule of such an employee for the week during which the holiday occurs in lieu of placing the employee on paid leave or leave without pay.

5. A nonexempt employee who is scheduled to work on a holiday shall report any absence from duty and the reason therefor to his supervisor or designated representative as prescribed in writing by the agency. An employee who does not work on that holiday and who fails to report his absence to his supervisor or a designated representative pursuant to this subsection is not eligible to receive holiday pay.

6. A nonexempt employee whose employment begins on a holiday is eligible to receive holiday pay pursuant to subsections 2 and 3 if he is in paid status during his scheduled shift.

7. A nonexempt employee whose employment is terminated:

(a) The day immediately preceding a holiday is not entitled to receive holiday pay for that holiday.

(b) Except as otherwise provided in paragraph (c) of subsection 3, on a holiday on which he is working must be paid holiday pay for the actual hours he works on the holiday. If a nonexempt employee gives notice that he is terminating his employment on a holiday and he is not scheduled to work on the holiday, the last day on which he works or is in paid status is his date of termination.

8. The agency that lists a nonexempt employee as an “employee of record” on a holiday is responsible for the payment of holiday pay for that holiday to that employee. For the purposes of this subsection, an “employee of record” is a person employed by the state agency that is required to claim the person as an employee of the agency.

9. The salary of an exempt classified or exempt unclassified employee is not affected by a holiday.

[Personnel Div., Rule VII § B subsec. 2, eff. 8-11-73; A 7-3-76]—(NAC A by Dep’t of Personnel, 10-26-84; 8-28-85; 1-26-87; 9-17-87; 4-19-88; 7-14-88; 7-21-89; 9-13-91; 9-16-92; 11-12-93; 3-23-94; R098-99, 9-27-99; R058-01, 9-6-2001; R147-01, 1-22-2002; A by Personnel Comm’n by R096-03, 10-30-2003; R145-05, 12-29-2005)

### **NAC 284.524 Reporting for work; workweeks and workdays; periods for meals and rest. (NRS 284.065, 284.155, 284.345)**

1. An employee shall report for a work shift on time and ready to perform the duties and tasks assigned to his position.

2. Except as otherwise provided in this subsection, the workweek for state employees is 40 hours. A workweek of a different number of hours may be established to meet the needs of state

agencies in compliance with the provisions of NRS 281.100, 281.110 and 284.180. The workday for a full-time state employee who works a standard or nonstandard work schedule consists of two work periods separated by a 1/2- to 1-hour meal period. Insofar as practicable, the meal period must occur in the middle of the work shift. A rest period of 15 minutes must be granted for each 4-hour period of work and, insofar as practicable, must occur in the middle of the period of work.

***3. Except as otherwise provided in subsections 4 and 5, an appointing authority shall provide a meal period and rest period to an employee who has an innovative work schedule during each workday as follows:***

***(a) A 1/2- to 1-hour meal period must be provided during each period of work that exceeds 6 hours. Insofar as practicable, the meal period must occur in the middle of the work shift.***

***(b) A rest period of 15 minutes must be provided for each 4-hour period of work and, insofar as practicable, must occur in the middle of the period of work.***

4. The requirement to relieve an employee for a 1/2- to 1-hour meal period does not apply to an employee who receives a paid meal period.

5. The requirement for a rest period does not apply to an employee who works:

(a) Directly with the inmates at a correctional institution.

(b) For the Division of Mental Health and Developmental Services of the Department of Health and Human Services and who:

(1) Maintains or monitors the equipment in a heat plant which operates 24 hours a day; and

(2) Works a straight 8-hour work shift.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 4-20-90; 8-1-91; 11-12-93; R031-98, 4-17-98; R098-99, 9-27-99; A by Personnel Comm'n by R068-03, 10-30-2003; R145-05, 12-29-2005)

**NAC 284.242 Overtime: Authorization. (NRS 284.065, 284.155, 284.175)**

1. If a nonexempt employee is required to work overtime, the overtime must be authorized pursuant to subsection 10 of NRS 284.180 and communicated to the employee at least 4 hours in advance by the responsible supervisor before being worked, unless an unpredictable emergency prevents prior approval and communication.

2. If a nonexempt employee requests to work overtime, the overtime must be authorized in advance pursuant to subsection 10 of NRS 284.180.

[Personnel Div., Rule III § L subsecs. 4-6, eff. 8-11-73; renumbered as subsecs. 3-5, 10-10-76]—(NAC A by Dep't of Personnel, 10-26-84; 3-23-94; R147-01, 1-22-2002)