

PROPOSED REGULATION OF THE PERSONNEL COMMISSION

LCB File No. R077-11

REGULATION CHANGES PROPOSED FOR PERMANENT ADOPTION

Section 1. NAC 284.210 is hereby amended to read as follows:

Explanation of Proposed Change: Currently, NAC 284.210 defines a ‘qualifying shift’ as at least eight hours of work of which four hours fall between 6 p.m. and 7 a.m. This regulation change redefines a ‘qualifying shift’ as at least eight hours of work of which four hours fall between 7 p.m. and 6 a.m. In addition, this regulation change limits the amount of shift differential an employee is eligible to receive to eight hours in a single shift worked. If an employee works two qualifying shifts in a day, the employee would be eligible for shift differential for both shifts. This regulation change is related to the Nevada Department of Correction’s Priorities of Government. Specifically, this budget calls for a reduction in shift differential pay as presented in the Executive Budget Summary.

NAC 284.210 Differential rate of pay for qualifying shift. (NRS 284.065, 284.155, 284.175)

1. As used in this section:

(a) “Differential rate of pay” means an adjustment in pay equivalent to an additional 5 percent of an employee’s normal rate of pay.

(b) “Qualifying shift” means a period of work of 8 hours or more, of which 4 hours must fall between the hours of ~~6~~ 7 p.m. and ~~7~~ 6 a.m. The term includes, without limitation, a period of work of 8 hours that is reduced to 7 hours because of a change of time to daylight saving time.

Differential rate of pay is limited to 8 hours in any single shift worked.

2. An employee is eligible for the differential rate of pay if he works in a unit which provides services requiring multiple shifts within a 24-hour period and he is:

(a) A nonexempt employee in the classified service who works:

(1) A qualifying shift; or

(2) Any shift of at least 8 hours that is other than a qualifying shift plus 4 or more hours between ~~6~~ 7 p.m. and ~~7~~ 6 a.m. In such cases, an employee must receive the differential rate of pay for only the hours worked between ~~6~~ 7 p.m. and ~~7~~ 6 a.m. *not to exceed 8 hours.*

(b) An exempt classified employee assigned to a qualifying shift. In such cases, an employee must receive the differential rate of pay for all his regularly scheduled hours of employment on that workday.

3. If an employee is assigned to a qualifying shift when he is on paid leave or a holiday occurs, he must receive the differential rate of pay for that shift *not to exceed 8 hours.*

4. Except as otherwise provided in subsection 3, if a nonexempt employee in the classified service is assigned to a qualifying shift and the employee is not in paid status for the entire period of that shift, the employee must receive the differential rate of pay for the portion of the shift in which he is in paid status *not to exceed 8 hours.*

5. A nonexempt employee in the classified service who works overtime pursuant to NRS 284.180 in conjunction with a qualifying shift must be paid overtime at the differential rate of pay *not to exceed 8 hours*.

[Personnel Div., Rule III § I, eff. 8-11-73; A 7-3-76]—(NAC A by Dep't of Personnel, eff. 12-17-87; 7-21-89; 3-23-94; 10-27-97; R031-98, 4-17-98; A by Personnel Comm'n by R065-98, 7-24-98; A by Dep't of Personnel by R098-99, 9-27-99; R147-01, 1-22-2002; A by Personnel Comm'n by R069-02, 8-14-2002; R022-05, 10-31-2005)