STATE OF NEVADA

Executive Department

EXECUTIVE ORDER BY THE GOVERNOR
ESTABLISHING INNOVATIVE WORK SCHEDULES

WHEREAS, general fund revenue projections have shown that actual general fund revenue has been and will continue to be significantly less than the general fund revenue appropriated for the current biennium by the Legislature; and

WHEREAS, action must be taken within the Executive Branch to curtail spending wherever possible as a part of the comprehensive budget solution; and

WHEREAS, innovative work schedules for State employees may improve efficiency, decrease costs to the State and to employees and improve employee morale; and

WHEREAS, the Governor's directive issued on February 11, 2010 imposing a hiring freeze and reducing or eliminating certain salary adjustments or adjustments of steps within the same pay grade is to be followed and will decrease costs to the State; and

WHEREAS, Article 5, Section 1 of the Nevada Constitution provides that "The supreme executive power of this State, shall be vested in a Chief Magistrate who shall be Governor of the State of Nevada."

NOW, THEREFORE, I, Jim Gibbons, Governor of the State of Nevada, by virtue of the power and authority vested in me by the Constitution and laws of the State of Nevada do hereby order the following:

Innovative work schedules may improve efficiency, decrease costs to employees and the State, and improve employee morale. Therefore, directors are encouraged to implement innovative work schedules that will decrease employee commuting costs and save on energy consumption. Still, client service and timely workload processing shall remain the priority.

Chapter 284 of both the Nevada Revised Statutes (NRS) and the Nevada Administrative Code provide for the use of innovative work schedules other than the traditional eight-to-five work day. So long as the requirements under NRS 281.110(1) are met, the State has flexibility to adopt innovative work schedules that will achieve the goals of reducing costs and providing efficiency in the way state government delivers needed services.

NRS 281.110(1) provides:

> *Unless required for the efficient transaction of business* <u>*and*</u> *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 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. (Emphasis added).

Therefore, in those departments, agencies, boards and commissions where innovative work schedules such as a 4 day/10 hour workweek are feasible and would be in compliance with NRS 281.110(1), such schedules may be implemented. Directors must submit justification for such a schedule with the Executive Budget Office (EBO) for approval. EBO will submit the justification to the Governor's office for a final determination.

The policy on overtime pay is as follows, regardless of the type of schedule implemented. Effective Central Payroll cycle Pay Period 20 (March 8, 2010), whether for pay or compensation time, overtime shall not be worked without prior written approval from a director. Recognizing that there are special circumstances when it is not practicable to obtain a director's prior review and written approval, directors may delegate the approval process in certain circumstances, including but not limited to:

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

Where a director delegates the overtime approval process, the director must maintain a written policy and system to monitor the delegated approval process.

Directors must provide to the EBO a quarterly report of overtime worked. The EBO must prescribe a format for reporting. At a minimum, the report should include:

- Department/Agency/Board or Commission
- Budget Account
- Employee
- Overtime for pay and reason(s) worked
- Overtime for comp time and reason(s) worked

The Executive Branch Auditors shall audit overtime policies, practices, and compliance with this order and provide periodic reports to the EBO.

BE IT FURTHER ORDERED, that the above remain in effect until the Governor deems it no longer necessary.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nevada to be affixed at the State Capitol in Carson City this 15th day of March, in the year two thousand ten.

Jim Gibbons
Governor of the State of Nevada

By the Governor:

Ross Miller
Secretary of State

Deputy Secretary of State