NEVADA DEPARTMENT OF AGRICULTURE
ATTENDANCE AND LEAVE
POLICY #AG-1-HR-1

PURPOSE:

This policy establishes procedures for all employees and supervisors in accurately requesting, approval, monitoring, and reporting of all leave categories available to employees.

POLICY:

It is the policy of the Department of Agriculture to ensure the use of leave is exercised in a responsible manner. Employees and supervisors are expected to follow the procedures set forth in this policy for requesting, approval, monitoring and reporting of all employee leave.

SCOPE:

This policy and the procedures contained within shall apply to all Department employees.

REFERENCES:

Nevada Revised Statutes (NRS) 284.065 through 284.360; Nevada Administrative Code (NAC) 284.5231 through 284.598; and Nevada Employee Action and Timekeeping System (NEATS).

FORM:

As currently provided by the Division of Human Resource Management (DHRM), NEATS and the Department of Agriculture.

RESPONSIBILITY:

1. Agency Human Resource Services (AHRS) shall be responsible for:
    a. Providing assistance to supervisors and employees in the interpretation and explanation of this policy, other referenced policies, and related statutes and regulations.

2. Supervisors are responsible for:
    a. Timely reviewing of employee leave requests in NEATS and electronically approving, rejecting or modifying the requests, following NEATS guidelines and procedures outlined in this policy.
    b. Assigning a second-in command or designated representative and notifying all employees under his supervision that this designated

representative should be contacted regarding all requesting or reporting of leave in the event the supervisor is unavailable or unreachable.

c. Monitoring employees' leave usage to ensure compliance with provisions in this policy and state regulations and statutes.

3. Employees are responsible for:
   a. Timely reporting and submittal of all leave requests following NEATS guidelines and procedures outlined in this policy.

PROCEDURES:

1. **ANNUAL LEAVE**
   a. The division administrator or a designated representative shall determine the time when annual leave is to be taken. Considerations in making this decision will include: 1) the needs of the Department; 2) seniority of requesting employees; 3) prevention of significant overtime requirements; and 4) the wishes of the requesting employees.

   b. Annual leave must be requested and approved prior to being taken. Requests for annual leave must be submitted through NEATS by using the Leave Request link at least 48 hours in advance or as soon as the employee is aware of a need for the leave. **A request for annual leave does not constitute approval.** Every effort will be made to accommodate employees in the use of their annual leave; however, there will be times when the needs of the Department require that specific leave requests be denied.

   c. An employee's written request for annual leave submitted through NEATS at least 60 days in advance will be honored unless it will cause an undue hardship to the department. The supervisor or division administrator must respond in writing via email within 15 working days after receipt of the request.

   d. All requests must be electronically approved, rejected or modified by the employee's direct supervisor in NEATS. If verbal approval is given for last minute requests this approval should be documented in an email and noted in the "comments" box in the employee's timesheet.

   e. Annual leave accruals in excess of 30 working days (240 hours) will be forfeited at the end of the calendar year unless the employee has requested and been refused leave, under the provisions of this policy. Requests for cash payment of annual leave in excess of 30 working days (240 hours) may be made **if**, on or before October 15th, an employee had requested annual leave time during that calendar year and the request was denied in writing.

f. Seasonal/Intermittent employees who are requested to work and unable to do so may be charged a percentage of Annual Leave.
Seasonal/Intermittent employees who request Annual Leave will be charged using a percentage of Annual Leave. The percentage of Annual Leave that shall be used is a percent of the average of hours worked within the previous six months from the date of the denial or inability to work as requested.

2. CATASTROPHIC LEAVE

See separate Department Catastrophic Leave Policy # AG-1-HR-2.

3. COMPENSATORY TIME

a. **Election of Compensatory Time Agreement:** If the division/department is not in a position financially to support paid overtime, supervisors may authorize compensatory time only. The use of Accrued Compensatory Time (ACT) is an authorized method of payment for overtime work when the employee has agreed, in writing, to utilize that form of compensation.

b. Employees who choose or agree to the option of compensatory time off complete the Election of Compensatory Time form (DHRM form TS-25). With agreements in place, the employer has the choice, within budgetary limitations, to select either cash payment or accrual of compensatory time off each time overtime is required.

c. Compensatory time must, whenever possible, be used in a reasonable time after it is accrued.

d. An employee who has accumulated both annual leave and compensatory time must, whenever possible, use the compensatory time before annual leave is taken. In a "use it or lose it" situation where an employee may forfeit annual leave, this requirement may be waived.

e. Unless it will cause an undue hardship to the department, a request to use accumulated compensatory time may not be unreasonably denied if the request was made a minimum of two (2) weeks in advance of the first day off.

f. An employee who has accrued more than 60 hours of compensatory time may request in writing, cash payment for the amount of leave that exceeds 60 hours. The request for cash payment may not be unreasonably denied unless it is determined by the director or his designated representative that there is insufficient money available in the department's budget.

4. SICK LEAVE

a. **Authorized Use:** The supervisor or division administrator may approve sick leave only after it has been determined that the absence was for an authorized reason and that the employee has sufficient leave balances. Authorized uses of sick leave, are specified in NAC 284.554.

b. **For absences in excess of three (3) consecutive working days, or for cases of suspected abuse**, the supervisor or division administrator may require that the employee submit substantiating evidence, which may include, but is not limited to, a certificate from a provider of health care of the need for the absence. The employee may be required to submit supplemental information which could include a second and third medical opinion. Circumstances of an employee falsely reporting sick leave may result in disciplinary action up to and including termination.

c. Employees who have been approved for leave for a qualifying condition under the Family and Medical Leave Act (FMLA) may be approved to use sick leave concurrently with the FMLA leave only to the extent that it is for one of the authorized reasons listed under NAC 284.554.

d. Seasonal/Intermittent employees shall use a percentage of Sick Leave as defined in NAC 284.554 when they are requested to work and unable to do so. The percentage of Sick Leave that shall be used is a percent of the average of hours worked within the previous six months from the date of the denial to work as requested.

e. **Requesting Sick Leave That is Anticipated:** If the need for sick leave can be anticipated, the employee must submit the request in advance and have the request approved prior to use. Anticipated leave must be submitted through NEATS by using the Leave Request link located under My Tasks. The employee should then notify the supervisor, by email, of the request in NEATS.

f. Use of annual leave or compensatory time for sick leave purposes can only occur if the employee's sick leave account is depleted or their annual leave is in a "use it or lose it" status and Division Administrator approval is granted.

g. If the sick leave absence cannot be anticipated, all employees must comply with the following procedure for reporting absences and will submit their "post sick leave request in NEATS by adding an event line in "draft" timesheet, selecting the appropriate event code for the supervisor to approve in the regular timesheet approval process.

h. **Procedure For Reporting Absence To Supervisor:** An employee who is absent from duty due to their own illness or the illness of an immediate family member living in the same household must report the reason to his immediate supervisor or designated representative:

   i. Prior to the start of the shift or within one-half hour after the start of the shift if unable to contact the supervisor or designated representative before start of shift; or

   ii. At the earliest time it becomes physically possible to do so. If direct contact with the supervisor or designated representative is not made within one-half hour of the shift, employee is additionally required to contact the front reception desk if work location is the Sparks administrative building, to ensure the working unit is aware of their absence.

   iii. Leaving a message with a person other than the immediate supervisor or designated representative, or by a telephone or email message **does not constitute leave approval.**

   iv. The employee is required to personally notify the supervisor or designated representative unless physically unable to do so. If physically unable to do so, someone else should be appointed to notify the employer.

i. **Employee Illness While Traveling on Department Business:** If an employee becomes ill while traveling on department business and cannot attend scheduled meetings or training sessions due to that illness, the employee must notify his supervisor as soon as possible. If the illness precludes traveling home on the scheduled departure time, the employee should remain at his or her current location until able to safely travel.

   i. The employee shall use sick leave while away from scheduled activities or work.

   ii. The employee will receive per diem he would have received if participating in scheduled meetings or training.

j. **Employer May Place Employee on Sick Leave:** The director or his designated representative may place an employee on sick leave, pursuant to NAC 284.568,

k. If consideration is being given to placing an employee on sick leave pursuant to NAC 284.568, Agency HR Services should be contacted immediately for assistance and oversight of this process to ensure compliance to statute and regulation. A medical release to return to work

shall be provided to AHRS by the employee prior to returning to the workplace.

5. **FAMILY SICK LEAVE**
   a. If an employee is needed to provide care for a member of his immediate family, the employee may use his accumulated sick leave, not to exceed 120 hours in any calendar year. The leave should be coded as family sick leave on the employee's timesheet. Family sick leave may also be used for medical, optometric or dental service or examinations for immediate family member as described in NAC 284.554.

   b. The director or designated representative may approve an exception to the 120 hour limitation or the requirement that the relative be living in the employee's household. To obtain an exception, the employee may be required to submit a request in writing to the director.

   c. In order to meet the notification requirements of the FMLA, a supervisor or manager who is notified or becomes aware of the medical condition of an employee or an employee's family member that may be qualifying under FMLA, must immediately consult with an AHRS representative to determine the need for provisional approval of leave under FMLA. See the Department's FMLA Policy # AG-1-HR-3.

6. **FMLA LEAVE**

See separate Department FMLA Policy # AG-1-HR-3.

7. **FURLOUGH LEAVE**

See separate Department Furlough Policy # AG-1-HR-4.

8. **LEAVE OF ABSENCE WITHOUT PAY (LWOP)**
   a. The Director or his authorized representative may approve an employee's request for LWOP, for a period of up to one year, for any satisfactory reason.

   b. Requests for leave without pay must be submitted at least 30 days in advance when the need is foreseeable.

   c. If the need for LWOP is of an emergency nature and is not known 30 days in advance, supporting documentation will be required.

   d. In order to receive consideration for approval of leave without pay, an employee must indicate their intent to return to the Department, and have a satisfactory work record.

e. An employee may not use leave without pay in lieu of sick leave or annual leave without the approval of the Director or his authorized representative.

9. **ABSENT WITHOUT LEAVE (AWOL)**

a. Any unauthorized and unreported absence must be considered an absence without leave and a deduction of pay must be made for the absence.

b. An absence which is reported but not authorized by the appointing authority may be considered an absence without leave and a deduction of pay may be made for the absence.

i. Incidents of failure to report to work in a timely manner may be considered as AWOL, as may calling in more than one half hour after the start of the shift.

ii. If an employee exhausts sick leave, does not have prior approval for the use of any other approved leave type, and has not been approved for leave without pay, the leave taken may be considered as AWOL.

c. AWOL status is cause for progressive disciplinary action as specified in NAC 284.646 or NAC 284.650 and the department's prohibitions and penalties. Progressive discipline ranges from an oral warning to termination.

10. **OTHER TYPES OF LEAVE**

The Nevada Administrative Code defines and describes other types of leave. Please refer to NAC for more information about the following:

a. Release Time

b. Administrative Leave

c. Civil Leave

d. Military Leave

POLICY COMMUNICATION:

All employees within the Department of Agriculture will receive a copy of this policy and will sign an acknowledgement that they have read and understand the conditions within. Employees needing clarification should contact an AHRS or DHRM representative for more information.

DIRECTOR'S POLICY AUTHORIZATION:

Jim R. Barbee, Director

3/28/13
Date

APPROVED BY THE BOARD OF AGRICULTURE ON **March 26, 2013**.
Effective Date

This policy is not a substitute for relevant law or regulation nor does it establish additional rights beyond those provided in law and regulation. This policy is intended to be used in conjunction with the state law and the Rules for State Personnel Administration (NRS & NAC 284).