

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
301**

SHIFT, POST AND LEAVE BIDDING

Supersedes: AR 301 (Temporary, 12/08/10); 10/15/12; (02/08/17, Reviewed 10/15/12 Version, no changes) (Temporary, 4/9/18 - signed 5/15/18)
Effective date: Temporary 12/28/18
AUTHORITY: NRS 209.131

PURPOSE

To ensure transparency for the placement and scheduling of correctional staff for essential functions at the institution and facilities as well as the security and safety of staff, inmates and the public. This regulation works to provide the guidelines regarding the assignment of posts, shifts, use of regular days off and annual leave.

RESPONSIBILITY

The Director is responsible for the administration of all regulations.

The Deputy Director of Operations is responsible for the implementation of this regulation. Each Warden is responsible for ensuring compliance with this regulation, and for conducting shift bidding at their institutions in accordance with the requirements of this regulation. Actions required for conducting shift bidding cannot be delegated to an official with a rank lower than Associate Warden.

It is the responsibility of each individual officer subject to shift bidding to familiarize him/herself with the requirements of this regulation and participate in the authorized process according to its provisions.

301.01 SHIFT BIDDING

1. Shift bidding will consist of three (3) processes:
 - A. One (1) process for annual shift bidding;
 - B. A separate process for filling vacancies on a continual basis as they occur throughout the year; and
 - C. A separate process for annual leave bidding.

2. Shift bidding shall be conducted at all institutions and facilities having more than 20 correctional officers on the legislatively approved staffing chart, except as described below.
3. New institutions and facilities are exempt from the annual shift bid process until authorized by the Director or Designee.
4. The Warden shall identify on the Post Chart each post's minimum required training, experience, special licenses, regular days off (RDO) and other requirements.
5. Each Warden shall submit to the Deputy Director for review and approval a list of exempt positions which are to be filled by the Warden at his or her discretion, based on a justification submitted by the Warden in writing. All officers shall be made aware of each exempt position via the NDOC computer system at each institution. Exempt positions may be considered for the mental health unit, segregation unit, behavior modification unit, visiting, public contact positions or for any position identified by the Warden and approved by the appropriate Deputy Director in critical labor areas or during times of critical labor shortages. There is no limit to the number of posts that may be identified or approved as exempt positions. Positions which are identified and approved as being exempt, are excluded from the shift bidding process and therefore, the selection of those positions are not subject to the requirements set forth in other sections of this Administrative Regulation. The selection of warden exempt positions is discretionary and is not based on seniority or length of service. Since the selection of officers for Warden Exempt positions is completely discretionary, Wardens also have the discretion to remove officers from these positions.
6. The Warden may deny a bid based on the specific assignment-related requirements established by the appropriate Deputy Director in paragraph five (5) above.
7. The Warden may exclude up to 12.5% of Correctional Officer posts from the bid process for the purpose of shift rotation and the training of Correctional Officer Trainees. This 12.5% limit does not apply to Warden exempt positions described in Section 5 above.
 - A. The actual number of posts, less the 12.5% excluded, may be determined by the presence of Correctional Officer Trainees in the workforce and projected hiring practices and plans.
 - B. If less than 12.5% of the posts are needed for trainee positions, then those positions may be part of the annual bid process.
8. All shifts and RDOs shall be awarded in accordance with each officer's seniority. The seniority list will be available for review August 1st of each calendar year. Any correctional officer who disputes his or her ranking on the seniority list, or his or her relative time in service, shall do so by filing a grievance within twenty (20) working days after the list is posted as set forth in NAC 284.678.
9. All bids are subject to the following conditions:

A. The bidding employee must be an eligible employee. The employee must be a permanent, full-time Correctional Officer or Senior Correctional Officer;

1) Lieutenants, Sergeants and Correctional Officer Trainees may not participate in shift bidding;

2) Correctional Officer Trainees may bid in the first bidding process following promotion to Correctional Officer, and for any vacancies that occur after following promotion and before the next annual shift bidding process;

B. The bidding officer must meet the position requirements, established by the Warden.

C. The officer must be present or have a proxy to participate in the shift bidding. Absent officers may bid for any vacant position upon return to duty.

D. Officers cannot bid on the same post for more than two (2) consecutive years.

E. There will be no shift trading, unless approved by the Appointing Authority pursuant to NAC 284.228.

F. The Warden may allow for the assignment of an officer to a shift for which he or she does not have seniority based on a specified, verified hardship. Officers claiming hardship shall notify the Warden, in writing, 30-days prior to the beginning of the annual shift bid process.

G. The NDOC reserves the right to modify the shift bid process and available posts as needed to ensure the safety and security of the facility in critical labor areas and during times of critical labor shortages.

301.02 ANNUAL BID PROCESS

1. Annual shift bidding includes a bid for post, shift, and annual leave days for the following calendar year.

2. Annual shift bidding is based on each officer's seniority. Seniority is calculated based on the officers' continuous date of service as defined by NAC 284.0525. Pursuant to NAC 284.632 continuous service date is defined as date of hire without breaks in service.

3. Timeliness:

A. Annual shift bidding should occur every year during November for the following calendar year.

B. 90 calendar days prior to the annual shift bid, each Warden will provide a Post Chart per AR 301.01, paragraph 2, noting any positions to be excluded from the bid by the appropriate Deputy Director and the justification for those exclusions.

C. 60-days prior to shift bidding, the Warden will post a seniority listing of all officers eligible to participate in shift bidding, ranked by seniority.

D. Officers may file a grievance contesting their position on a seniority list within twenty (20) working days after the list is posted, in compliance with NAC 284.678.

E. The Warden shall answer the grievance within ten (10) days after it is received, in compliance with NAC 284.686.

F. An officer may file an appeal to the appropriate Deputy Director within five working days after receiving the Warden's response to the grievance.

G. The appropriate Deputy Director should respond to the appeal within five working days after it is received. All appeals that have not been received by the appropriate Deputy Director 35 calendar days prior to shift bidding are considered late and denied.

H. 30 calendar days prior to the annual shift bid the Warden will post an updated seniority list along with the Post Chart.

I. The annual shift bid will not be delayed because an officer has missed a deadline, regardless of the circumstances.

4. The seniority list for Senior Correctional Officer will be based upon date of promotion or demotion.

5. Bidding:

A. Bids will be made on a board that lists each post and RDO's with a space next to it for an officer to enter his name, indicating a bid.

B. Eligible officers will be called to the board in order of seniority and be provided 10 minutes to select a post from those available on the board.

C. Each officer must be present during annual shift bidding, with the following exceptions: An absent officer may bid over the phone with advanced approval from the Warden if the Warden or available supervisor can verify the identity of the officer on the phone.

6. If an eligible officer is aware of an absence scheduled at the time of shift bidding the officer may submit the name of a proxy to the Warden as soon as is practical prior to the shift bid.

A. It is the officer's responsibility to notify the proxy and provide bidding instructions.

B. Decisions made by the proxy are binding on the affected officer and cannot be contested or reviewed.

C. NDOC, the Warden, or any other official is not responsible for any errors, mistakes, failure to follow policy, missed deadlines, or any other action or omission made by a proxy during the shift bid process.

D. A no-call, or no-show at the time scheduled for the officer's bid is a forfeiture of seniority until the officer appears or calls. The missing officer will be allowed to bid at the time of his or her arrival; however, he or she may not interrupt the current bid being placed or delay the subsequently scheduled bids.

E. Bidding ends when the last scheduled, eligible officer completes his bid.

F. A missing officer will be allowed to bid only on positions vacant after the close of bidding.

G. Management may suspend the bidding process for security reasons, but should reschedule the bidding process within 30 calendar days.

H. If the officer bids for a position for which he or she is not qualified for, he or she should immediately re-bid.

I. If an officer does not bid on a post within 10 calendar days after the bidding process has closed, the Warden will assign the officer to a vacant post at the Warden's discretion.

J. If the officer's bid on a post is rejected because he or she does not meet the assignment requirements, the officer must be notified immediately by the Associate Warden or higher ranking officials as to why the bid was rejected.

K. A bid may be rejected if the post and shift would place an officer in a chain-of-command, in violation of AR 346, Nepotism.

L. Any bid accepted by the Associate Warden or above shall be deemed a qualified bid.

M. Annual Leave Bids

1) Bids for annual leave may not exceed an absence from work of 14 calendar days, including RDOs, in any 30-day period. Requests for longer periods may be accommodated, based on available relief factor after the annual shift bidding has closed;

2) Bids for annual leave may not exceed the annual leave the officer is projected to accumulate by the end of the next calendar year;

3) Officers must bid first for annual leave in a five (5) contiguous-day block, or a 40 hour block of annual leave, pursuant to NAC 284.539. Officers may decline a bid for five (5) contiguous-day or 40 hour blocks of annual leave, but will not be permitted to bid for single days of annual leave until all officers have submitted

his or her bids for the five (5) contiguous day block or a 40 hour block of annual leave.

4) Additional leave may be requested throughout the year if the relief factor is available to accommodate the request.

5) Variable work schedules shall be provided with the corresponding number of hours that would equal to one week of annual leave.

N. If, by the end of the calendar year, an officer will exceed 240 hours of annual leave; he or she must apply for a sufficient amount of annual leave on or before October 1 of each year, to be at or below 240 hours by the end of the calendar year.

O. An officer who has accumulated both annual and compensatory time off, and who may lose annual leave at the end of the calendar year, may elect to use the annual leave in lieu of the compensatory time for approved leave. In all other instances, compensatory time must be exhausted before annual leave is used.

7. Documents relating to the annual bid should be in triplicate using DOC-1047. The posted documents should be date and time stamped as to the time of their posting and the time of their removal.

8. Each Warden should ensure that a DOC-1043 is completed prior to scheduling any officer to work a variable work schedule. These agreements should be forwarded for inclusion in the Department personnel file.

301.03 CONTINUAL BID PROCESS

1. Vacant positions shall be filled by seniority bid throughout the year. Vacant positions eligible for bidding will be posted conspicuously throughout the institution and placed on the shared drive or emailed to all officers every Monday of each week, ending midnight on the following Sunday. The bid shall be posted in a location available for all staff to review.

2. Any position vacated by continual bid may be filled by the Warden including transfers, promotion, recruitment, demotion, or bid by seniority. The position, however, will be available for bid at the next annual bid process.

3. Officers may submit a bid for a vacant position during the week the vacancy is posted.

4. Following bids, the Warden should assign the position to the most senior, qualified officer, based on the seniority list.

5. The Warden may fill a position that was not bid on with a qualified officer or an officer with specific, documented skills or rank necessary for the position.

6. Positions that are not bid on may remain vacant to be covered by relief factor, pull or shutdown posts, or overtime, as appropriate.
7. All vacant positions should be put up for bid no less than once a quarter.

301.04 REASSIGNMENT OF POSTS

1. All officers should receive a minimum of five (5) working days written notice of a change in institution, facility, shift, or RDO, unless the change is based on paragraph two (2) below. The affected officer may waive this notification requirement in writing.

2. The appointing authority retains the right to change an officer's shift, post, or RDO when:

A. The officer is under investigation for actions related to an assignment or where the alleged misconduct makes the assignment of the officer inappropriate:

1) Management may assign an officer to a shift, post, or RDO until investigations are concluded and the officer is exonerated and returns to the original post, or further management action is needed.

2) Management may temporarily reassign an officer to cover a post until the officer under investigation is exonerated and returns to the post, or the position is filled permanently.

B. The officer proves to be unsuitable for the post based on their documented performance.

C. The officer fails to maintain current weapons qualifications and should be assigned to an unarmed post, pending further action.

3. Officers who receive a modified duty assignment from a designated health care provider may be moved on a temporary basis, until they are medically qualified to return to their bid post.

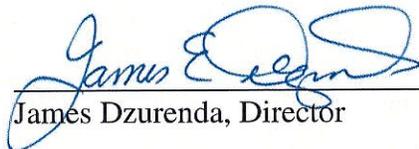
4. Officers may be transferred when a nepotism issue arises per AR 346, regardless of seniority.

5. Management may assign officers to posts for which they have not bid in order to cover absences by the assigned officers, or for emergency situations.

APPLICABILITY

1. This regulation requires compliance with the Department of Corrections statewide Operational Procedure authorized to exercise a shift bidding process.

2. This regulation requires an audit.


James Dzurenda, Director

12/28/18
Date