

Overtime Use at the Departments of Correctional Services, Health and Human Services, and Transportation

Performance Audit Committee
Nebraska Legislature

October 2022



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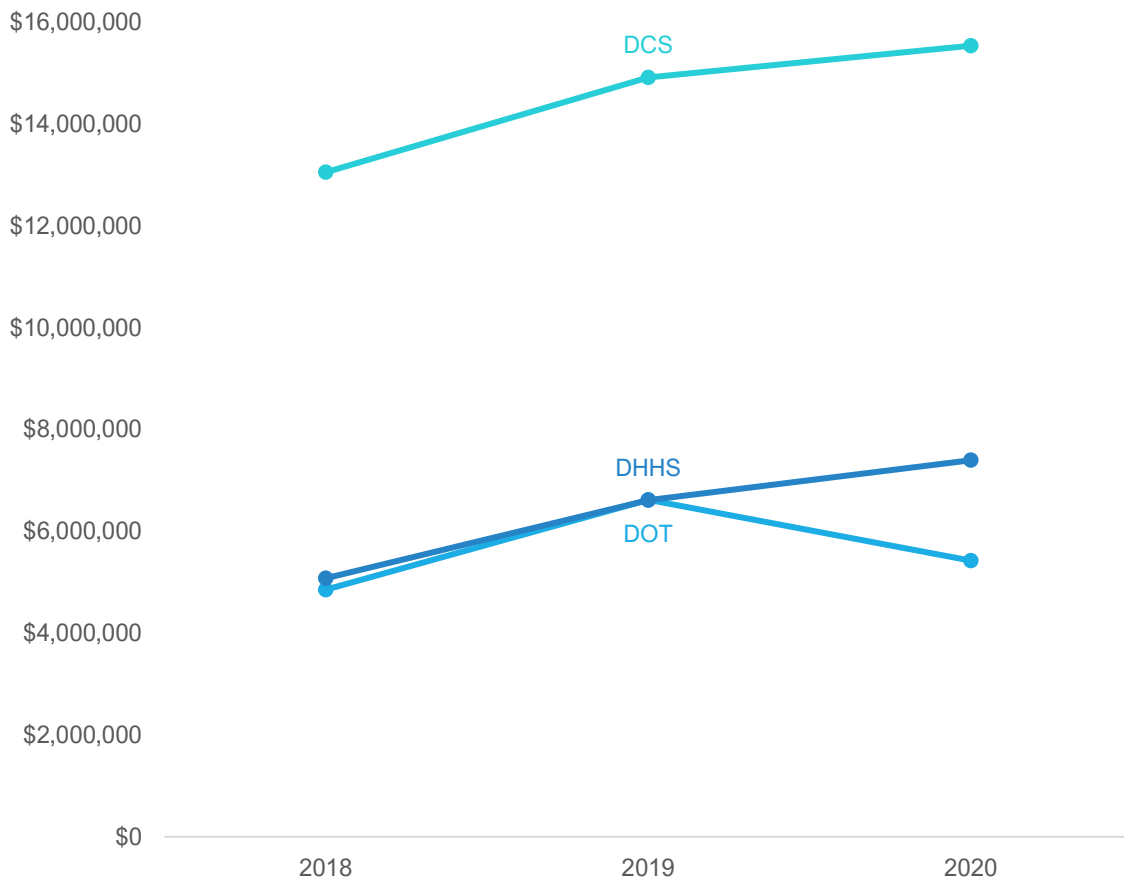
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I. Audit Summary & Committee Recommendations

Audit Summary and Committee Action

This report presents descriptive, not evaluative, information and consequently does not contain findings or recommendations. The agencies reviewed for this audit—the Departments of Correctional Services (Corrections or DCS), Health and Human Services (DHHS), and Transportation (DOT)—had the highest overtime expenditures of all state agencies in the years reviewed (FY2018, FY2019, and FY2020). Corrections spent the highest total amount on overtime, both in dollars and as a percentage of its total personnel budget. Additionally, in all three years, a larger proportion of Corrections employees earned overtime than employees at the other two agencies.

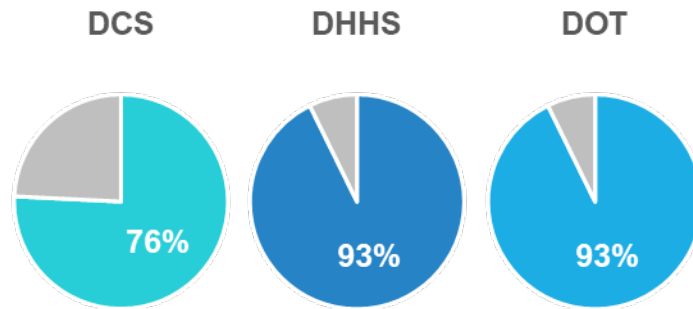
Corrections spent the most on overtime in each year reviewed.



Source: Audit Office analysis of data from the State of Nebraska EnterpriseOne system.

In all three agencies, most employees earned \$10,000 or less in overtime pay. Corrections, however, had a higher percentage of staff who earned \$10,000 or more. Corrections also had the highest median overtime pay.

The majority of employees made \$10,000 or less a year in overtime pay during the time period reviewed.



Source: Audit Office analysis of data from the State of Nebraska EnterpriseOne system.

At each agency, certain positions had higher total expenditures because of the large number of employees working overtime. Even in the top overtime-earning positions, the vast majority of individual employees made \$10,000 or less a year in overtime; the next largest group earned between \$10,000 to \$20,000. Some employees at Corrections and DHHS, however, earned much higher amounts of overtime pay: there were 15 Corrections employees and four DHHS employees who earned more than \$50,000 in overtime in a year.

According to Corrections and DHHS staff, overtime was needed primarily because of vacancies at 24-hour facilities. Because of the need for round-the-clock staffing, without enough positions filled, existing employees needed to cover additional shifts. For DHHS staff who do not work at 24-hour facilities, general workload as well as vacancies contributed to the need for overtime. In contrast, Transportation staff said some overtime was related to vacancies, but most was earned due to seasonal fluctuations in workload such as construction projects, snow removal, and weather-related damage to state highways.

Committee Action: The Performance Audit Committee placed a request on its audit topics list for a follow-up performance audit. Specifically, the requested audit would assess the impact of the 2021 salary increases for selected Department of Correctional Services and Department of Health and Human Services employees on the use of overtime at these agencies, and should take place a year or more after the increases went into effect.

II. Legislative Audit Office Report

Legislative Audit Office Report
**Overtime Use at the Departments of Correctional
Services, Health and Human Services, and
Transportation**

October 2022

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INTRODUCTION

On March 9, 2021, the Legislative Performance Audit Committee (Committee) directed the Legislative Audit Office (Office) to conduct an audit of the use of overtime at the Departments of Correctional Services, Health and Human Services, and Transportation. The Committee approved the audit as a follow up to the overtime pre-audit inquiry initiated in September 2020, which documented that these agencies had the highest amount of funds spent on overtime payments.

The Committee was interested in understanding more about the use of overtime at these agencies, directing the Office to address the following in the audit:

1. Examine and describe overtime activities and expenditures for the Departments of Correctional Services, Health and Human Services, and Transportation during the period of FY2018 through FY2020¹ including use of compensatory time. Specifically, explain the percentage of agency employees that received overtime, the amount of overtime pay received, the positions held by employees working overtime hours, and the number of overtime hours employees worked.
2. For each of the agencies, provide an analysis of the highest overtime earners, including but not limited to, positions, hours, and how they compare to similarly situated employees.

Section I briefly describes each agency's basic functions and presents data regarding the use of overtime. In Section II, we present data on the positions and individuals that were the highest overtime earners.

We appreciate the cooperation of the Departments of Correctional Services, Health and Human Services, and Transportation administrators and staff during the audit.

Methodology

The review period for this audit was selected to minimize the effects of the global pandemic and show a more typical time period at the agencies. The review period was also prior to 2021 changes in labor agreements that significantly increased wages of certain Department of Correctional Services' and Department of Health and Human Services' employees.

Overtime cost data is from the state's administrative information system, EnterpriseOne, and we did not independently verify the data. The Office was not able to analyze two topics the Committee included in the audit scope statement: the number of overtime hours worked by individual employees or the compensatory time they worked because the agency timekeeping software, called KRONOS, does not store data in a way that it could be used for these analyses.

¹ Nebraska state fiscal years run from July to June, for example, FY2018 refers to July 1, 2017 to June 30, 2018.

Auditing Standards Compliance Statement

We conducted this performance audit in accordance with generally accepted government auditing standards, with two statutory exceptions regarding continuing education hours and peer review frequency.² As required by auditing standards, we assessed the significance of noncompliance on the objectives for this audit and determined there was no impact. The exceptions do not change the standards requiring that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on the audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on the audit objectives. The methodologies used are described briefly in each section.

² Neb. Rev. Stat. § 50-1205.01.

SECTION I: Overtime Use

In this section, we provide an overview of the function of each of the agencies included in this audit—the Departments of Correctional Services (Corrections or DCS), Health and Human Services (DHHS), and Transportation (DOT)—and the reasons overtime is used. The section also presents the amount spent by each agency on overtime payments generally and to individual employees.

Section Overview

The Performance Audit Committee asked the Audit Office to examine agency overtime expenditures, the number and percentage of employees working overtime, and the amount of overtime pay those employees received.

At its highest point in FY2020, Corrections spent \$15 million on overtime. In that same fiscal year, DHHS spent \$7.4 million, while Transportation spent \$6.6 million. Nearly 80% of Corrections employees worked overtime in the years we examined. At DHHS, the percentage of employees working overtime ranged from 30% to 40%. At Transportation, that number was between 60% and 70% depending on the year.

In all three agencies, most employees earned \$10,000 or less in overtime pay. The median overtime pay at Corrections was between \$3,000 and \$4,000 depending on the year. The median overtime pay at DHHS was about \$1,000 each year, while at Transportation, the median was between \$1,800 and \$2,200.

Agencies

The Departments of Corrections, Health and Human Services, and Transportation were selected as subjects for this audit because they are the three agencies with the highest amount of overtime spending. However, we caution readers against direct comparisons between the agencies as they have very different missions, functions, staffing, and vacancy patterns.

The Department of Corrections operates nine prisons in five communities in Nebraska and is the second largest state agency, employing about 2,300 individuals. According to Corrections, the need for overtime at their agency is primarily due to vacancies. Because prisons are 24-hour facilities, if a position is vacant, someone else is required to work. Other reasons for overtime cited by Corrections include covering absences and additional work tied to emergency incidents.

DHHS is Nebraska's largest state agency, with 4,600 employees. DHHS has five divisions—Behavioral Health, Children and Family Services, Developmental Disabilities, Medicaid, and Long-Term Care and Public Health—as well as seven 24-hour facilities, and 10 agency-wide support areas. At DHHS' 24-hour facilities, according to DHHS, direct care employees are heavily impacted by vacancies and covering employee absences/leave. This can be intensified when the care required for some patients requires

one-on-one supervision and/or treatment. For DHHS employees who do not work at their 24-hour facilities, DHHS stated that vacancies and workload both contribute to the need for overtime.

The Department of Transportation employs over 2,000 individuals and is responsible for the planning, development, design, construction, maintenance, and administration of the state highway system. In 2017, the Nebraska Department of Aeronautics merged with the Nebraska Department of Roads to form the Department of Transportation. According to Transportation, while some of the agency's use of overtime is tied to turnover and vacancies, it is also uniquely driven by the seasons: construction projects, snow removal, and weather-related damage to the state's highway system (tornados, floods, etc.).

Overtime Policies

Generally, all three audited agencies' employee policies handle overtime similarly. Exempt, or salaried, employees are not overtime eligible. Non-exempt employees receive overtime at a rate of 1.5 times their normal salary for all work over 40 hours in a work week.³

In addition to each agency's policies, three labor union contracts apply to certain positions and govern how these employees receive overtime, the rate at which overtime is paid, and how overtime is offered: Fraternal Order of Police (FOP), Nebraska Association of Public Employees/AFSCME (NAPE), and State Code Agencies Teachers Association (SCATA).

At Corrections, the FOP contract covers all custody positions (Officer, Corporal, Sergeant, and Unit Caseworker); the SCATA contract covers teachers; and the NAPE contract includes maintenance, social service, health care, administrative, and other positions. At DHHS, the FOP contract covers positions in the Protective Services Unit (Behavior Technician, Mental Health Security Specialist II, Developmental Disabilities Safety and Habilitation Specialist, and Youth Security Specialist II) while NAPE represents several bargaining units and SCATA covers employees in the Teachers Bargaining Unit. Transportation only has employees covered by the NAPE contract.

The NAPE and FOP contracts require Corrections to determine overtime based on seniority. For mandatory overtime, employees receive two "byes" a fiscal year, however, using a bye does not move them to the bottom of the list, instead they remain at the top of the list for when the next mandatory overtime occurs. There is also a list for voluntary overtime based on seniority; volunteering for overtime of at least two hours moves an employee to the bottom of the mandatory overtime list.

³ For the time period we reviewed, this was true for the majority of employees at each of the audited agencies, although at DHHS, for the purpose of non-exempt employees that work at 24-hour facilities, instead of a 40-hour work week, the agency uses more than eight hours worked in a day or more than 80 hours worked in a two-week pay period. Nebraska Department of Health and Human Services, *Workplace Policies*, revised April 5, 2021, p. 18. However, in the fall of 2021, for those Corrections employees covered by the Protective Services Bargaining Unit, the FOP labor contract was renegotiated and thereafter, overtime in excess of 16 consecutive hours plus roll call in a 24-hour period is paid at two times the regular rate.

At DHHS, under the NAPE and FOP contracts, voluntary and mandatory overtime are assigned on a rotating basis using the overtime roster, which is a list of qualified employees arranged based on seniority. For mandatory overtime, each employee gets one bye each quarter of the fiscal year which can be used to skip over them in the employment roster, which, unlike at Corrections, moves them to the bottom of the roster. One additional bye can be earned by working a total of 40 hours or more of voluntary overtime during the quarter. For Transportation, NAPE requires that overtime is offered based on seniority.

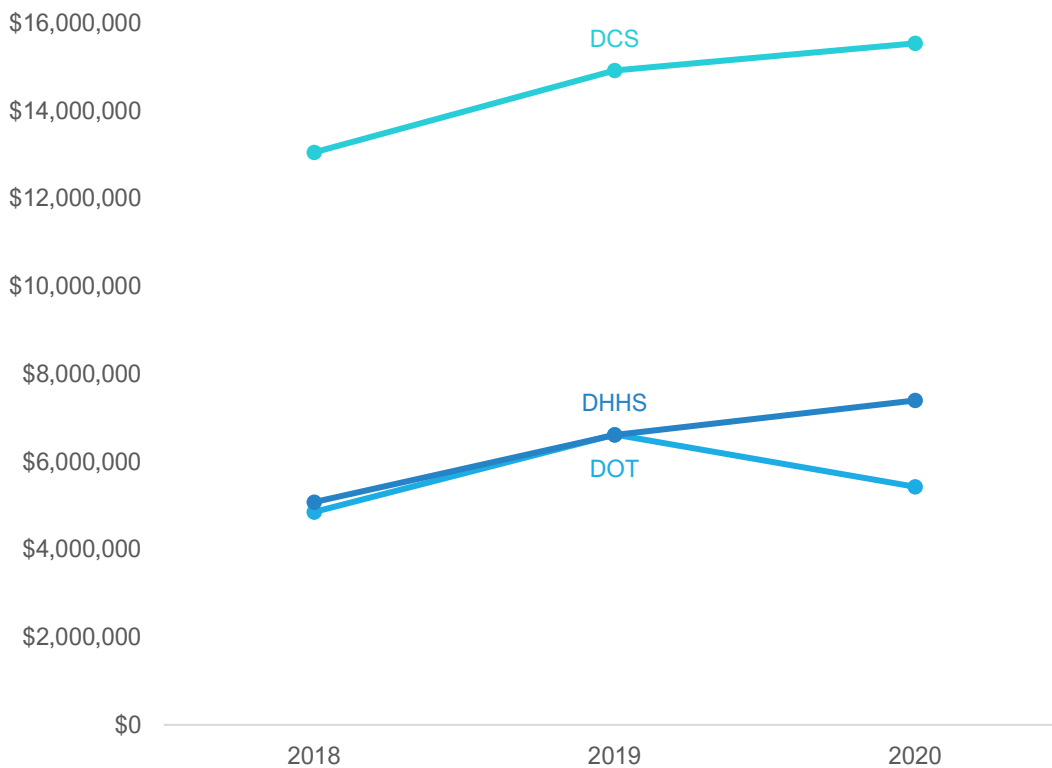
Additionally, for those employees covered by the FOP contract at DHHS, they cannot be required to work more than 16 hours in a 24-hour period (absent an emergency) and for FOP-covered employees at Corrections, they cannot work more than 16 consecutive hours (plus roll call) without at least a seven-hour break.

Overtime Spending

Total Agency Overtime Spending

Corrections spent more on overtime expenditures than DHHS and Transportation for each year reviewed. Corrections spent between \$13 and \$15.5 million on overtime each fiscal year, compared to \$5 to \$7.4 million spent by DHHS and \$4.9 to \$6.6 million spent by Transportation (Figure 1.1).

Figure 1.1. Corrections (DCS) spent the most on overtime in each year reviewed.



Source: Audit Office analysis of data from the State of Nebraska EnterpriseOne system.

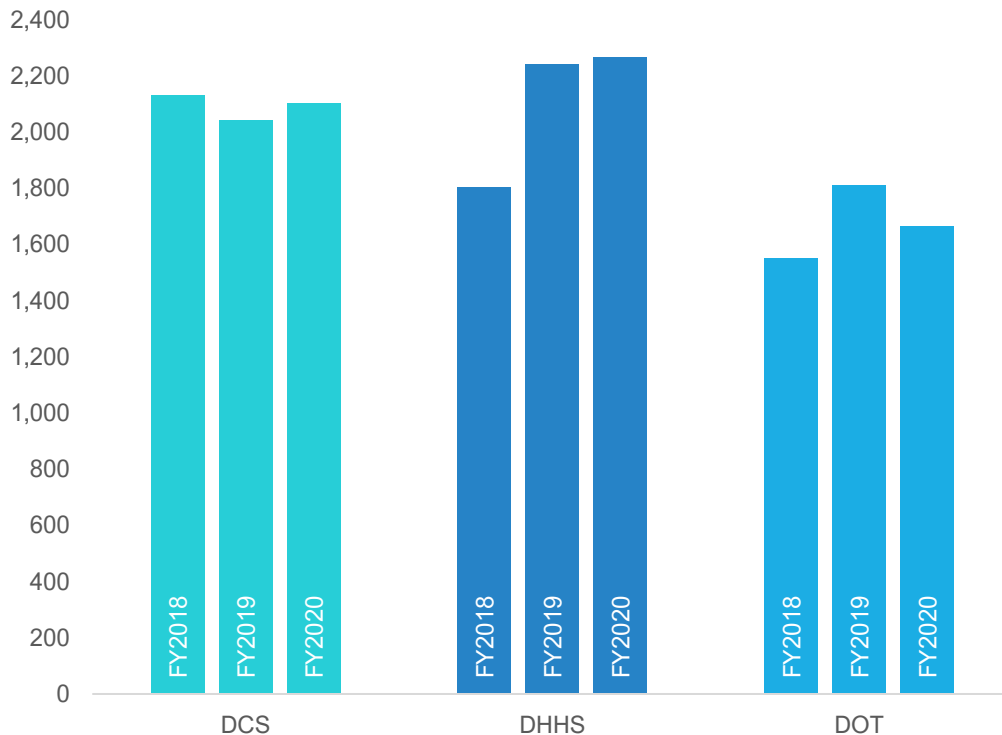
Overtime Spending as a Percentage of Personnel Budget

Corrections also spent a higher percentage of its personnel budget on overtime pay than the other two agencies. Corrections spent about 10% of its personnel budget on overtime each year. DHHS spent between 2% to 3% of its personnel budget on overtime and Transportation spent between 5% to 6%.

Number of Employees Who Earned Overtime

In two of the three fiscal years reviewed, DHHS had the most employees that worked overtime, with over 2,200 employees working overtime in FY2019 and FY2020; Corrections had the most in FY2018, with just over 2,100 employees working overtime in that year (Figure 1.2). In the three fiscal years reviewed, Corrections generally had about 2,000 employees who worked overtime, and Transportation had between 1,600 and 1,800.

Figure 1.2. DHHS had the most employees that worked overtime in two of the three fiscal years reviewed.

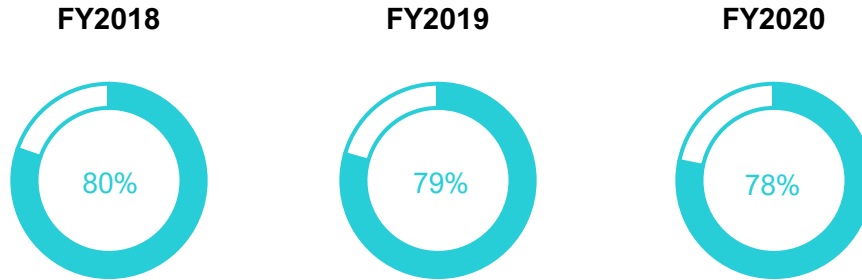


Source: Audit Office analysis of data from the State of Nebraska EnterpriseOne system.

Percentage of Total Agency Employees Who Earned Overtime

The Performance Audit Committee was interested in the percentage of employees who worked overtime at each agency. About 80% of Corrections employees worked overtime in each of the fiscal years we examined (Figure 1.3).

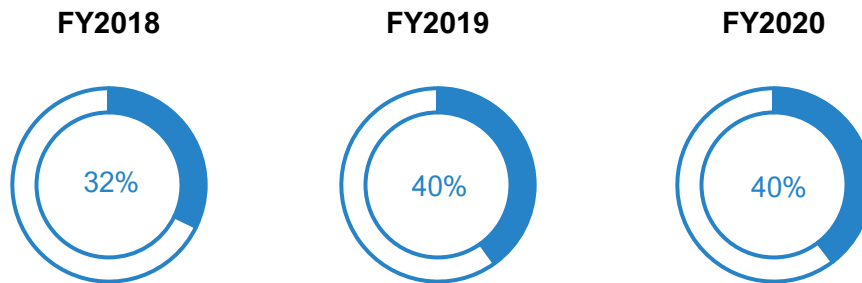
Figure 1.3. About 80% of Corrections employees worked overtime each year.



Source: Audit Office analysis of data from the State of Nebraska EnterpriseOne system.

The percentage of DHHS employees who worked overtime was 32% in FY2018 and 40% in FY2019 and FY2020 (Figure 1.4).

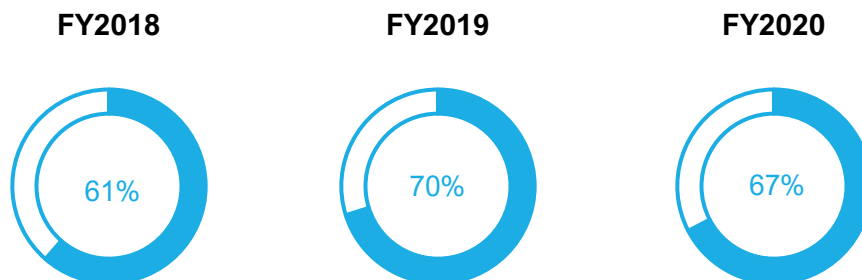
Figure 1.4. Between 30-40% of DHHS employees worked overtime each year.



Source: Audit Office analysis of data from the State of Nebraska EnterpriseOne system.

The percentage of Transportation employees who worked overtime ranged from 61% to 70%, depending on the year (Figure 1.5).

Figure 1.5. Between 60-70% of Transportation employees worked overtime each year.



Source: Audit Office analysis of data from the State of Nebraska EnterpriseOne system.

Range of Individual Employee Overtime Earnings

While the smallest amount of overtime pay received by an individual at all agencies was less than \$5, Corrections had the employee with the most overtime earned in each fiscal year (Figure 1.6). The Corrections employee who earned the most overtime pay earned about \$91,000 in FY2018 and \$84,000 in FY2019. A different Corrections employee made almost \$90,000 in FY2020.

The most overtime earned by a DHHS employee ranged from almost \$51,000 in FY2018 to almost \$70,000 in FY2020. The highest amount paid by Transportation was almost \$40,000 in FY2019. More detail on the employees with the highest overtime earnings will be discussed in the next section of the report.

Figure 1.6. Corrections had the employee that made the most in overtime in the three years reviewed.

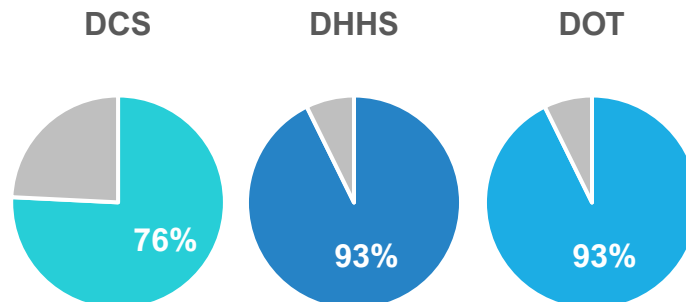
Fiscal Year	DCS	DHHS	DOT
2018	\$91,199	\$51,701	\$32,417
2019	\$84,220	\$55,461	\$39,688
2020	\$89,873	\$69,217	\$29,811

Source: Audit Office analysis of data from the State of Nebraska EnterpriseOne system.

Overtime Earnings Generally

In the three-year period we reviewed, at all three agencies, most employees that worked overtime earned \$10,000 or less in overtime pay in any year (Figure 1.7). However, at Corrections, 24% of overtime earners made more than \$10,000 in overtime, compared to DHHS and Transportation where 7% earned more than \$10,000.

Figure 1.7. The majority of employees earned \$10,000 or less a year in overtime pay during the time period reviewed.



Source: Audit Office analysis of data from the State of Nebraska EnterpriseOne system.

In fact, the majority of employees earning overtime at all three agencies made less than \$5,000 per year. By agency, the number of employees earning overtime who made less than \$5,000 was 57% at Corrections, 81% at DHHS, and 76% at Transportation (for a more-detailed breakdown, see the Appendix).

Typical Amount of Overtime Pay

After looking at the high and low individual overtime payments, we next wanted to determine a typical overtime payment. As there were a number of outliers—high payments that would skew the average—we instead present the median pay for each year by agency. The median is the middle of the group, meaning half of the overtime payments would be above this number and half below.

Corrections’ median overtime pay was the highest each year, between \$3,000 and \$4,000 (Figure 1.8). Transportation’s median was about \$1,800 in FY2018, increasing to close to \$2,200 in FY2019, before returning to almost \$1,800 in FY2020. DHHS had the lowest median overtime pay of the three agencies, about \$1,100 in FY2018 and less than \$1,000 in each subsequent year.

Figure 1.8. Corrections had the highest median overtime pay in the time period reviewed.

Fiscal Year	DCS	DHHS	DOT
2018	\$3,291	\$1,143	\$1,844
2019	\$3,854	\$872	\$2,241
2020	\$4,305	\$939	\$1,827

Source: Audit Office analysis of data from the State of Nebraska EnterpriseOne system.

SECTION II: Highest Overtime Expenditures by Position and Individual Employee

In this section, we provide more detail on the positions that result in the highest overtime expenditures at the Departments of Correctional Services (Corrections or DCS), Health and Human Services (DHHS), and Transportation (DOT).

Section Overview

The Performance Audit Committee asked auditors to provide information on the positions where employees were working the most overtime at each agency. We looked at the five positions with the highest overtime expenditures (Top 5) in each fiscal year. In each year, these positions accounted for the majority of overtime spending.

At each agency, certain positions had higher total expenditures because of the large number of employees working overtime. Corrections spent the most on Corporals, at DHHS the largest overtime expenditure went to Mental Health Security Specialists II, and at Transportation, the position with the highest expenditure was Highway Maintenance Worker/Senior. Each of these top positions generally had almost as many, if not more, employees working overtime than the next four positions combined.

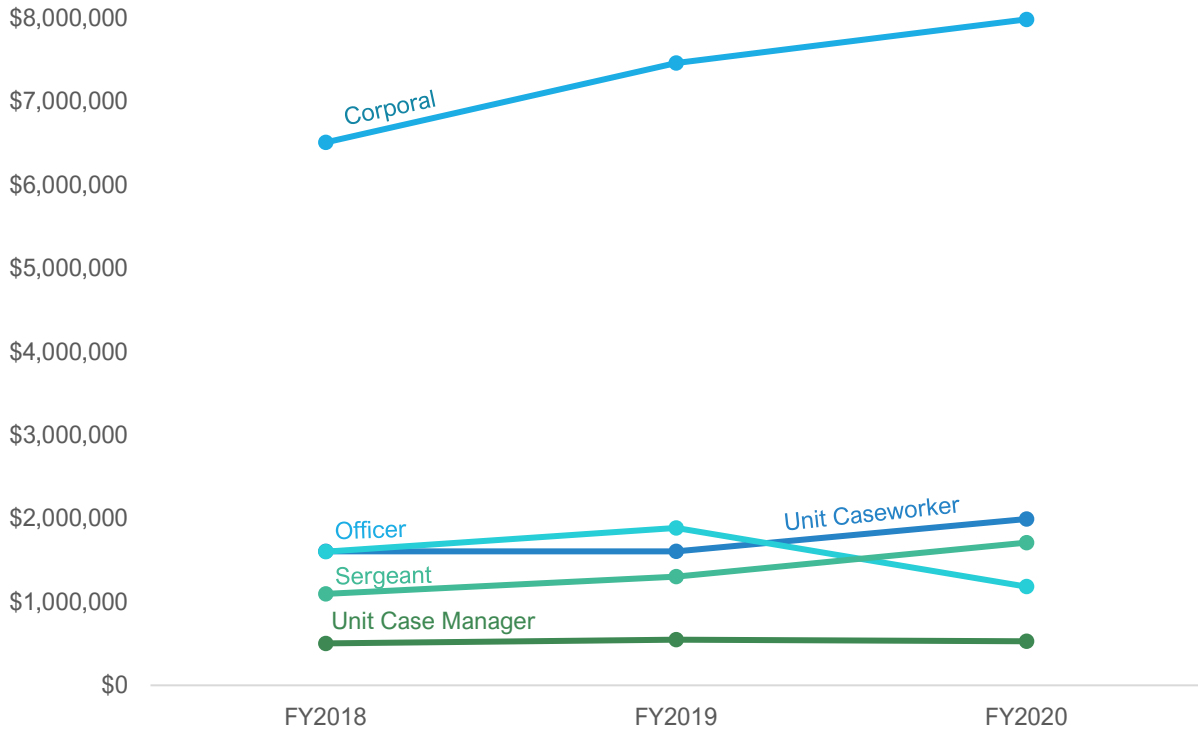
Even in the top overtime-earning positions, the vast majority of individual employees at each agency made \$10,000 or less a year in overtime; the next largest group earned between \$10,000 to \$20,000. Some employees at Corrections and DHHS, however, earned much higher amounts of overtime pay: there were 15 Corrections employees and four DHHS employees who earned more than \$50,000 in overtime in a year.

Department of Correctional Services

Over the period we examined, the positions at Corrections with the highest amount of overtime pay were Corporal, Unit Caseworker, Officer, Sergeant, and Unit Case Manager (Figure 2.1). The amount of overtime paid for these five positions went from roughly \$11.3 million in FY2018 to \$12.8 million in FY2019, to \$13.4 million in FY2020. Over 80% of Correction's overtime spending went to these five positions, all of which are frontline prison positions.

Half of Correction's overtime spending was earned by Corporals, the position with the highest overtime expenditure each year. More than \$6.5 million in overtime was paid out to Corporals in FY2018, which increased to almost \$7.5 million in FY2019 and about \$8 million in FY2020. Expenditures for the next three positions—Unit Caseworker, Officer, and Sergeant were between \$1 million and \$2 million per year. Overtime expenditures for Unit Case Managers were generally around \$500,000 each year.

Figure 2.1. Corrections paid far more in overtime to Corporals than any other position.



Source: Audit Office analysis of data from the State of Nebraska EnterpriseOne system.

Top 5 Positions Detail

Looking at each of these positions, Corrections spent the most on Corporals principally because of the large number of Corporals working overtime each year: 948 in FY2018, 873 in FY2019, and 1,066 in FY2020 (page 13 provides detailed information on each Top 5 position). Additionally, Corporals had the second highest proportion of large (over \$10,000 per year) overtime payments.

In each year, the number of Corporals who worked overtime was more than double the number of the next highest group—Unit Caseworkers, which had about 300 each year. In fact, in each examination year, more Corporals worked overtime than all of next four positions combined.

Corporals were on the higher end in terms of median overtime pay each year (between \$4,000 and \$5,000), though they were not the highest.⁴ Sergeants generally made more: they had the highest median overtime pay ranging from over \$5,400 to nearly \$8,000 per year.

⁴ Half of employees earning overtime earned more than the median in overtime, half earned less.

Corporal

Monitors inmates, maintains control and enforces rules of a prison. In some cases, may oversee a small group of temporary Corrections Officers.

Total OT Employees:

- 948 (FY2018)
- 873 (FY2019)
- 1,066 (FY2020)

Median OT Pay:

- \$ 4,380 (FY2018)
- \$ 5,336 (FY2019)
- \$ 5,001 (FY2020)



Between FY2018 and FY2020, 50% of DCS overtime spending was for this position.

Officer

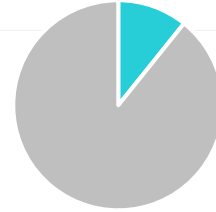
Monitors inmates, maintains control, and enforces rules of a prison. This position no longer exists because DCS hires all corrections officers at the Corporal level.

Total OT Employees:

- 244 (FY2018)
- 216 (FY2019)
- 206 (FY2020)

Median OT Pay:

- \$3,327 (FY2018)
- \$5,762 (FY2019)
- \$4,200 (FY2020)



Between FY2018 and FY2020, 11% of DCS overtime spending was for this position.

Unit Case Manager

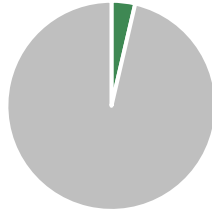
Coordinates and manages caseload programs for inmates. Develops treatment plans, conducts counseling sessions that include crisis intervention and problem solving.

Total OT Employees:

- 86 (FY2018)
- 84 (FY2019)
- 89 (FY2020)

Median OT Pay:

- \$2,790 (FY2018)
- \$3,310 (FY2019)
- \$3,280 (FY2020)



Between FY2018 and FY2020, 4% of DCS overtime spending was for this position.

Unit Caseworker

Monitors and coordinates inmate activities, including unit sanitation, clothing exchange, food service, medical distribution, mail distribution, and room and unit inspections.

Total OT Employees:

- 304 (FY2018)
- 293 (FY2019)
- 285 (FY2020)

Median OT Pay:

- \$2,646 (FY2018)
- \$2,747 (FY2019)
- \$4,210 (FY2020)



Between FY2018 and FY2020, 12% of DCS overtime spending was for this position.

Sergeant

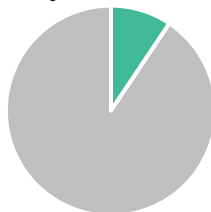
Serves as a team leader or immediate supervisor. Oversees the custody operation in a specific facility area.

Total OT Employees:

- 139 (FY2018)
- 124 (FY2019)
- 152 (FY2020)

Median OT Pay:

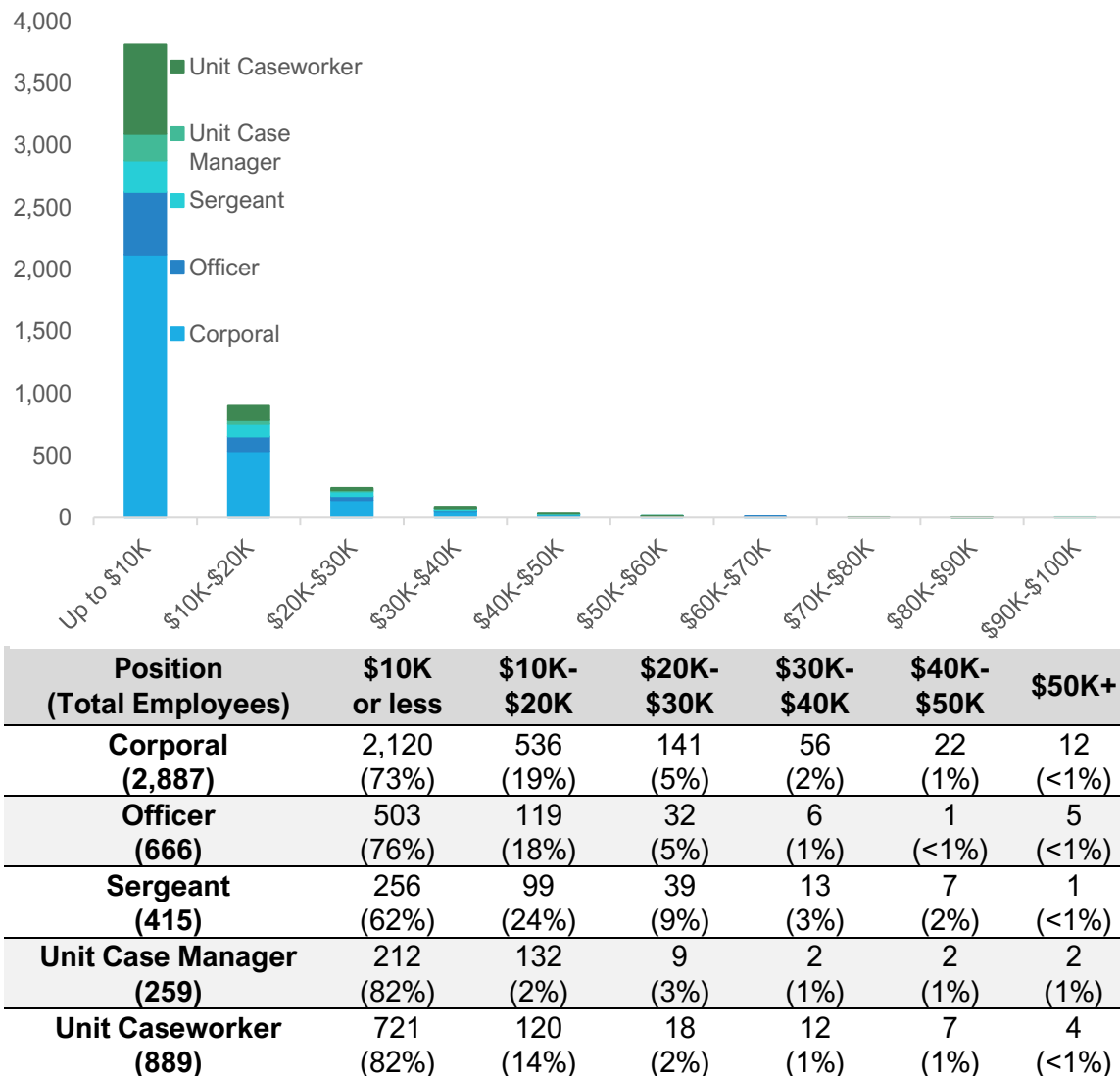
- \$5,400 (FY2018)
- \$7,263 (FY2019)
- \$7,929 (FY2020)



Between FY2018 and FY2020, 9% of DCS overtime spending was for this position.

As the relatively low median overtime pay suggests, most individual employees working in the Top 5 positions earned \$10,000 or less in overtime pay (Figure 2.2). Looking at all three years, about 3,800 (75%) of the roughly 5,100 employees⁵ working overtime in these positions earned \$10,000 or less in overtime. While most employees in the Top 5 Corrections positions made less than \$10,000, the second largest group made between \$10,000 and \$20,000.

Figure 2.2. Most employees in the Top 5 Corrections positions earned \$10,000 or less in overtime.



Source: Audit Office analysis of data from the State of Nebraska EnterpriseOne system.

⁵ Methodology Note: This analysis, including Figure 2.2 (and the similar analysis for the other two agencies), combines the data for each fiscal year. So, when we use the phrase “total employees,” it means we counted the total number of employee ID numbers in each position who made overtime within each pay category (i.e., \$10K or less, etc.). Many individuals made overtime in multiple years—a person who worked overtime in all three fiscal years would count as three employees, a person earning overtime in two fiscal years would count as two employees for this analysis. Additionally, if an individual switched positions in the middle of a fiscal year and earned overtime pay in both positions, they would be counted as one employee for each position, though this is less common than earning overtime in multiple years.

The two Corrections positions with the highest overtime earnings were Unit Case Manager and Unit Caseworker. A Unit Case Manager earned about \$91,000 in FY2018 and about \$84,000 in FY2019 (Figure 2.3). In FY2020, a Unit Caseworker made almost \$90,000.

Figure 2.3. The highest amount of overtime pay earned by a single individual at Corrections was \$91,199 by a Unit Case Manager in FY2018.

Position	FY2018	FY2019	FY2020
Corporal	\$58,219	\$66,718	\$64,779
Officer	\$65,472	\$60,355	\$31,816
Sergeant	\$45,428	\$49,345	\$53,838
Unit Case Manager	\$91,199	\$84,220	\$36,383
Unit Caseworker	\$73,281	\$73,424	\$89,873

Source: Audit Office analysis of data from the State of Nebraska EnterpriseOne system.

Employees who Earned More than \$50,000 in Overtime in a Year

The Performance Audit Committee was interested in knowing more about individuals earning a significant amount of overtime pay, so we looked at employees that earned more than \$50,000 in overtime pay in a year. Corrections had 15 individuals that were in this category in at least one year: five earned \$50,000 or more in overtime pay in all three fiscal years, three reached the \$50,000+ threshold in two years, and the other seven earned \$50,000 or more in one year (Figure 2.4).

As noted in Section I, there are labor contract provisions that limit how often an employee can be required to work overtime. Under those provisions, it is likely that employees who made \$50,000 or more in a year in overtime earned that amount primarily from voluntary, not mandatory, overtime.

To understand more about employees in this category, we interviewed several supervisors responsible for overseeing some of the highest overtime earners. The supervisors provided information specifically about the individuals that made more than \$50,000 in overtime in a year and more generally about other agency employees that had higher amounts of overtime pay. We do the same below but remind readers that these generalizations are true for this population—those employees that earned higher amounts of overtime pay—rather than the entirety of the agency’s employees.

Figure 2.4. Fifteen Corrections employees earned more than \$50,000 a year in overtime pay; several earned that amount in more than one year.

	Position	Facility	OT Pay
FY2018	Unit Case Manager	Nebraska State Penitentiary	\$91,199
	Unit Caseworker	Lincoln Correctional Center	\$73,281
	Officer	Omaha Correctional Center	\$65,472
	Corporal/Sergeant	Omaha Correctional Center	\$64,004
	Officer	Nebraska State Penitentiary	\$60,356
	Corporal	Nebraska State Penitentiary	\$58,219
	Unit Caseworker	Tecumseh State Correctional Institution	\$57,225
	Corporal	Omaha Correctional Center	\$56,223
	Corporal	Community Corrections Center-Omaha	\$55,215
FY2019	Unit Case Manager	Nebraska State Penitentiary	\$84,220
	Unit Caseworker	Lincoln Correctional Center	\$73,424
	Corporal	Community Corrections Center-Omaha	\$66,718
	Officer	Nebraska State Penitentiary	\$60,355
	Corporal	Omaha Correctional Center	\$58,960
	Corporal	Community Corrections Center-Lincoln	\$58,502
	Officer	Nebraska State Penitentiary	\$58,212
	Corporal	Nebraska State Penitentiary	\$57,493
	Officer	Omaha Correctional Center	\$52,896
	Corporal	Tecumseh State Correctional Institution	\$51,140
	Corporal	Nebraska Correctional Center for Women	\$50,303
	Corporal	Community Corrections Center-Lincoln	\$50,276
FY2020	Unit Caseworker	Lincoln Correctional Center	\$89,873
	Officer/Corporal	Omaha Correctional Center	\$66,571
	Unit Case Manager/Sergeant	Nebraska State Penitentiary	\$65,794
	Corporal	Community Corrections Center-Omaha	\$64,779
	Corporal	Omaha Correctional Center	\$64,690
	Corporal	Nebraska Correctional Center for Women	\$60,453
	Corporal/Sergeant	Nebraska State Penitentiary	\$56,048

Source: Audit Office analysis of data from the State of Nebraska EnterpriseOne system.

Note: Individuals with two titles switched positions in the fiscal year where both appear.

Under the voluntary overtime provisions, employees with seniority are at the top of the list to be offered the opportunity to work overtime. Those employees get called the most, especially if they have a track record of willingness to work overtime. Employees who volunteer to work an overtime shift must work at least two hours of overtime and cannot work for more than 16 hours in a 24-hour period. Supervisors told us that individuals on the \$50,000+ list regularly worked 16-hour days.

Corrections employees sometimes worked overtime outside of their job classification or at a different facility if the need arose. One of the individuals on the list, a Unit Case Manager, often worked overtime in a lower classification custody post. When an employee works overtime in a lower classification, they are still paid overtime at their standard overtime rate. Similarly, if they work overtime in a higher classification position, they may earn at a higher rate, although not necessarily the higher position's full rate.

According to Corrections, supervisors do rounds to check on various posts during each shift to make sure that all staff, including those working overtime, are alert enough to do their jobs safely. Any concerns that arise can be handled formally or informally, depending on the situation. For example, if an employee is working so much overtime that they have a performance issue, a supervisor might write a report documenting that the person was overtired and unable to perform their duties. If there are no actual issues with their work, however, a supervisor can have a conversation about the impact working so much overtime might have on an employee's health and wellbeing, which one supervisor stated they did with an employee on our list.

Department of Health and Human Services

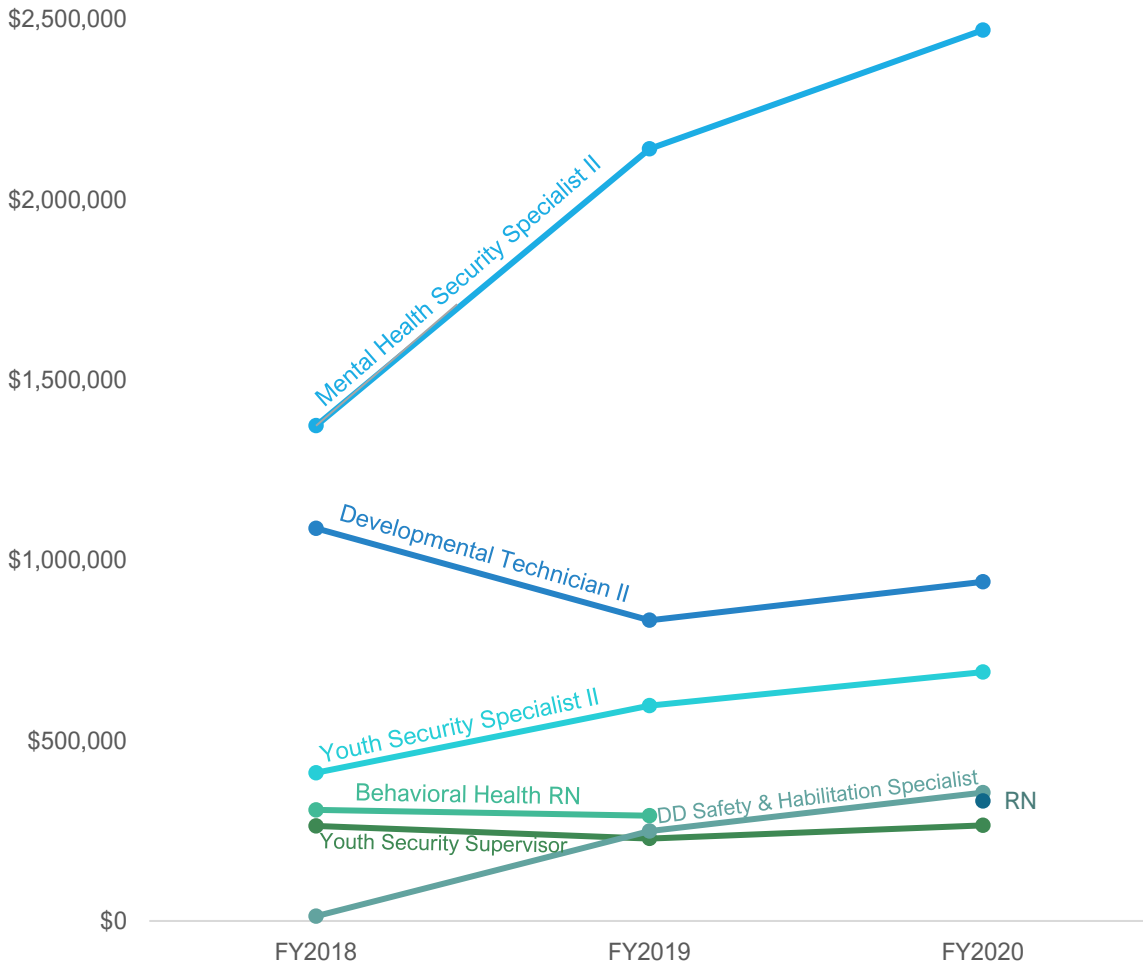
DHHS also spent the most amount of overtime dollars on frontline 24-hour facility employees. The total overtime expenditure for the Top 5 positions was roughly \$3.4 million in FY2018, \$4.1 million in FY2019, and \$4.8 million in FY2020. The total overtime expenditure for these positions was more than 60% of the overtime paid out for all positions.

Unlike the other two agencies, however, the five positions with the highest expenditures at DHHS changed slightly from year to year, so there are technically *seven* Top 5 positions for DHHS. Over the three year review period, these top seven positions were Mental Health Security Specialist II, Developmental Technicians II, Youth Security Specialist II, Behavior Health Registered Nurse, Registered Nurse (RN), Developmental Disabilities Safety & Habilitation Specialist, and Youth Security Supervisor.⁶

The three positions with the highest overtime expenditures were consistently Mental Health Security Specialist II, Developmental Technician II, and Youth Security Specialist II (Figure 2.5). Mental Health Security Specialist II had the highest overtime expenditures in each year: \$1.4 million in FY2018, \$2.1 million in FY2019, and \$2.5 million in FY2020.

⁶ The Developmental Disabilities Safety & Habilitation Specialist position was created halfway through the year in FY2018 and not fully staffed in that year. In FY2020, Behavior Health RN position was merged into a general RN category.

Figure 2.5 The largest overtime expenditure at DHHS was for the Mental Health Security Specialist II position in each of the years examined.



Source: Audit Office analysis of data from the State of Nebraska EnterpriseOne system.

Top 5 Positions Detail

As with Corrections Corporals, at DHHS, the top overtime position, Mental Health Security Specialist II, had the largest overtime expenditure and the most employees working overtime (over 400 in each year). In the latter two years, more than double the number of Mental Health Security Specialists II worked overtime than in the next largest position. In fact, nearly as many Mental Health Security Specialists II received overtime pay as all the other top expending positions combined (pages 19-20 provide detailed information on each Top 5 position).

The Mental Health Security Specialist II position was on the lower end of the median pay each year (about \$2,500 to \$3,300). In FY2018, the highest median overtime pay was for Youth Security Specialists at \$4,000. In FY2019 and FY2020, the highest median overtime pay was for Developmental Disabilities Safety and Habilitation Specialists at \$6,800 and \$6,300.

Mental Health Security Specialist II

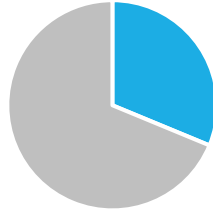
Provides custody, monitoring, and care of individuals in juvenile dual diagnosis unit or state secure facility. Duties include leading group/individual activities, providing input into treatment plans, conducting admission and other procedures.

Total OT Employees:

- 403 (FY2018)
- 426 (FY2019)
- 445 (FY2020)

Median OT Pay:

- \$2,482 (FY2018)
- \$3,327 (FY2019)
- \$3,223 (FY2020)



This position was 31% of DHHS OT expenditures from FY2018 to FY2020.

Developmental Technician II

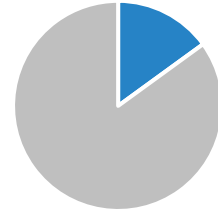
Provides direct care for developmentally disabled individuals. Provides medications, treatments, and behavioral training, as well as hygiene care including grooming, meals, and dressing.

Total OT Employees:

- 205 (FY2018)
- 165 (FY2019)
- 131 (FY2020)

Median OT Pay:

- \$ 3,473 (FY2018)
- \$ 3,189 (FY2019)
- \$ 4,835 (FY2020)



This position was 15% of DHHS OT expenditures from FY2018 to FY2020.

Youth Security Specialist II

Provides residential care, custody, and supervision of youth at 24-hour state facility.

Total OT Employees:

- 186 (FY2018)
- 186 (FY2019)
- 198 (FY2020)

Median OT Pay:

- \$ 954 (FY2018)
- \$ 1,972 (FY2019)
- \$ 1,906 (FY2020)



This position was 9% of DHHS OT expenditures from FY2018 to FY2020.

Youth Security Supervisor

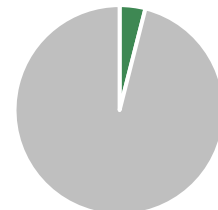
Supervises a shift of youth security specialists that provide security and maintain control at 24-hour state facility. (This position only appears in the list of the positions with the highest expenditures in FY2018.)

Total OT Employees:

- 42 (FY2018)
- 50 (FY2019)
- 46 (FY2020)

Median OT Pay:

- \$4,095 (FY2018)
- \$4,450 (FY2019)
- \$5,058 (FY2020)



This position was 3% of DHHS OT expenditures from FY2018 to FY2020.

Behavioral Health RN

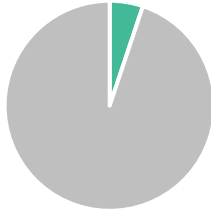
Provides professional nursing care and with a focus on mental and behavioral health at a state-run hospital. (This position only appears in FY2018 and FY2019 because it was folded into the RN classification for FY2020.)

Total OT Employees:

- 65 (FY2018)
- 60 (FY2019)

Median OT Pay:

- \$ 3,430 (FY2018)
- \$ 4,266 (FY2019)



This position was 5% of DHHS OT expenditures during FY2018 and FY2019.

DD Safety and Habilitation Specialist

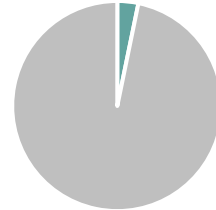
Provides residential care, custody, and monitoring for residents of centers for the developmentally disabled. Provides specialized care within a structured therapeutic environment for persons with high risk/challenging behaviors. (This position was created during FY2018.)

Total OT Employees:

- 14 (FY2018)
- 31 (FY2019)
- 46 (FY2020)

Median OT Pay:

- \$502 (FY2018)
- \$6,817 (FY2019)
- \$6,310 (FY2020)



This position was 4% of DHHS OT expenditures from FY2018 to FY2020.

Registered Nurse

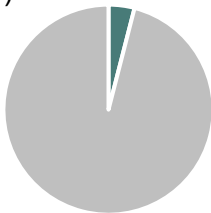
Provides professional nursing care for ill, injured, or disabled persons. Provides clinical direction and guidance to LPNs and direct care staff. (This position was created to in FY2020 to encompass all RN positions.)

Total OT Employees:

- 63 (FY2020)

Median OT Pay:

- \$4,463 (FY2020)



In FY2020, this position was 4% of DHHS OT spending.

Almost 90% of the employees in the top overtime positions at DHHS (roughly 2,400 of the just over 2,700) made \$10,000 or less (Figure 2.6). Only a small group of the Top 5 positions earned more than \$10,000, and of those that did, most earned between \$10,000 and \$20,000.

Figure 2.6. The majority of employees in the Top 5 DHHS positions made \$10,000 or less in overtime.



Position (Total Employees)	\$10K or less	\$10K- \$20K	\$20K- \$30K	\$30K- \$40K	\$40K- \$50K	\$50K+
Mental Health Security Specialist II (1,272)	1,116 (88%)	119 (9%)	28 (2%)	6 (<1%)	1 (<1%)	3 (<1%)
Developmental Technician II (501)	405 (81%)	75 (15%)	19 (4%)	2 (<1%)	0 (0%)	0 (0%)
Youth Security Specialist II (570)	540 (95%)	25 (4%)	5 (1%)	0 (0%)	0 (0%)	0 (0%)
Behavioral Health RN* (125)	114 (91%)	9 (7%)	2 (2%)	0 (0%)	0 (0%)	0 (0%)
Youth Security Supervisor (125)	116 (93%)	6 (5%)	2 (2%)	0 (0%)	1 (1%)	0 (0%)
DD Safety & Habilitation Specialist (91)	69 (76%)	19 (21%)	2 (2%)	1 (1%)	0 (0%)	0 (0%)
Registered Nurse* (63)	59 (94%)	3 (5%)	0 (0%)	0 (0%)	0 (0%)	1 (2%)

Source: Audit Office analysis of data from the State of Nebraska EnterpriseOne system.

*BHRN: FY2018 and FY2019 only, RN: FY2020 only.

Very few DHHS employees in the Top 5 positions made more than \$30,000 a year in overtime; only four made more than \$50,000. The highest amount of overtime pay during the three years we reviewed was the just over \$69,000 paid to a Mental Health Security Specialist II in FY2020 (Figure 2.7). In the other two years, the highest amount of overtime pay was earned by a Youth Security Supervisor and a Mental Health Security Specialist II, who earned nearly \$50,000 and over \$55,000 respectively.

Figure 2.7. The highest amount of overtime earned by a DHHS employee was \$69,217, earned by a Mental Health Security Specialist II in FY2020.

Position	FY2018	FY2019	FY2020
Mental Health Security Specialist II	\$36,164	\$55,461	\$69,217
Developmental Technician II	\$26,327	\$29,092	\$31,205
Youth Security Specialist II	\$14,918	\$23,265	\$25,710
Behavioral Health RN	\$17,383	\$22,820	n/a
Youth Security Supervisor	\$49,152	\$15,792*	\$26,984*
DD Safety & Habilitation Specialist	n/a	\$23,593	\$30,441
Registered Nurse	n/a	n/a	\$53,920

Source: Audit Office analysis of data from the State of Nebraska EnterpriseOne system.

Note: Positions with a n/a did not exist for the full fiscal year. Positions with an * after the amount were not on the Top 5 list during the years where there is an asterisk.

Employees who Earned More than \$50,000 in Overtime in a Year

As with Corrections, in order to provide more detail about individuals earning high amounts of overtime pay, we focused on employees making more than \$50,000 in overtime in a year and interviewed their supervisors. As stated previously, DHHS had four employees, all working at 24-hour facilities, that met this description: two earned \$50,000 or more in two fiscal years and two earned \$50,000+ in one fiscal year (Figure 2.8). We again remind readers that the generalizations provided in this subsection are true for this population—those DHHS employees that earned higher amounts of overtime pay—rather than the entirety of the agency’s employees.

Figure 2.8. There were four DHHS employees that earned more than \$50,000 a year in overtime pay; two reached that threshold in more than one year.

	Position	Facility	OT Pay
FY2018	Active Treatment Program Specialist	Beatrice State Developmental Center	\$51,701
FY2019	Active Treatment Program Specialist	Beatrice State Developmental Center	\$54,412
	Mental Health Security Specialist II	Lincoln Regional Center	\$55,461
FY2020	Mental Health Security Specialist II	Lincoln Regional Center	\$69,216
	Registered Nurse	Lincoln Regional Center	\$53,920
	Mental Health Security Specialist II	Lincoln Regional Center	\$52,021

Source: Audit Office analysis of data from the State of Nebraska EnterpriseOne system.

According to the supervisors we interviewed, at most DHHS facilities, when the need for overtime arises, employees typically volunteer for the shifts and are selected based on seniority, which the agency prefers over having to enforce mandatory overtime. During the time period we reviewed, this meant that the individuals who made over \$50,000 in overtime a year were choosing to work 16-hour days regularly. For positions covered by the Fraternal Order of Police labor contract (which covers sworn law enforcement officers), the only limitation the agency is required to follow is that an individual cannot work more than 16 hours in a 24-hour period. Beyond that, we were told that supervisors pay closer attention to individuals who are working a lot of overtime to ensure that they are not too tired to do their jobs well.

While three of the DHHS employees who made more than \$50,000 in overtime in a year worked in Top 5 positions for overtime pay, the fourth worked as an Active Treatment Program Specialist, which was not one of the highest overtime earning positions. This individual worked at the Beatrice State Developmental Center (BSDC), which has a supplemental staffing pool. In this staffing pool, employees interested in working overtime receive training for a variety of different positions. According to supervisors we spoke with, when a need arises, DHHS first follows labor contract processes for filling overtime shifts, then individuals in the pool are contacted, based on seniority. Employees in the pool can choose to work any overtime shifts available so are often working shifts or positions other than their own. When the position is a lower salary classification, the individual still earns their standard overtime rate. Similarly, if they work overtime in a higher classification position, they may earn at a higher rate, although not necessarily the higher position's full rate.

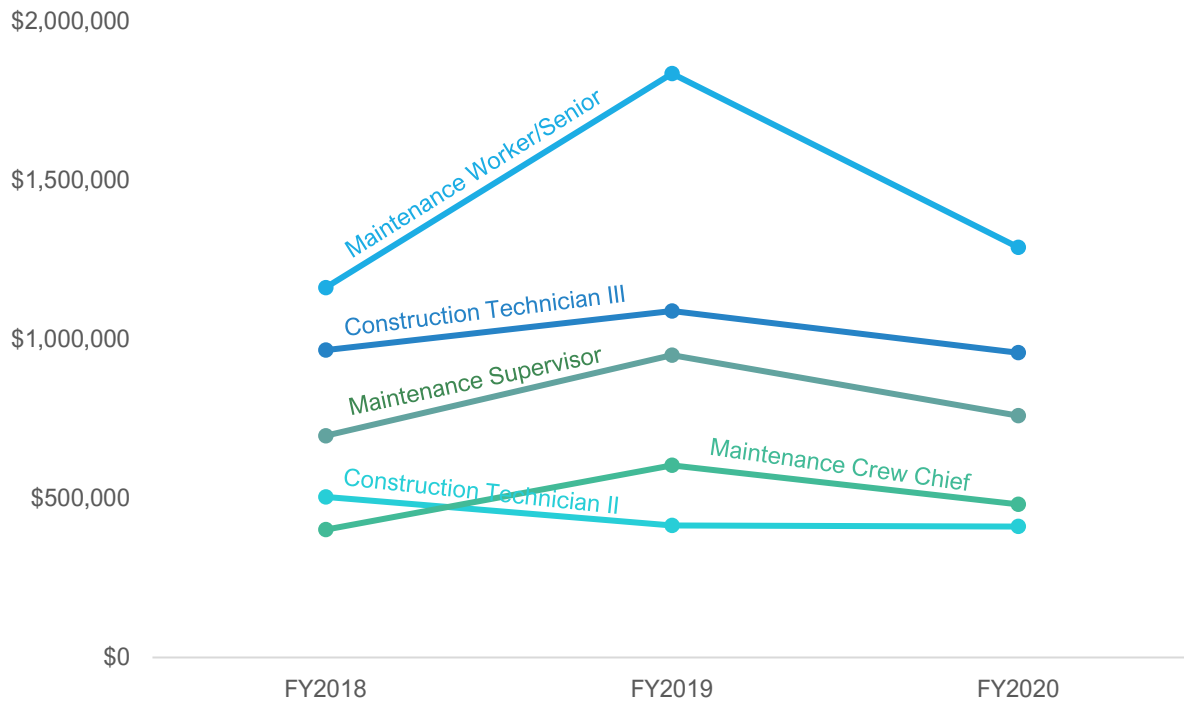
The BSDC employee who was a high overtime earner was near the top of the pool due to their seniority and therefore was able to take as many overtime shifts as they wanted as long as it was not limited by labor contract requirements. However, even in situations where there were no required limitations on the amount of overtime that could be worked, similarly to other DHHS facilities, supervisors told us they more closely monitored staff working overtime to ensure that they were able to safely complete the required duties.

Department of Transportation

At Transportation, the positions with the most overtime paid out were Highway Maintenance Worker/Senior, Highway Construction Technician III, Highway Maintenance Supervisor, Highway Maintenance Crew Chief, and Highway Construction Technician II. The total expenditures for these five positions were \$3.7 million in FY2018, \$4.9 million in FY2019, and \$3.9 million in FY2020. The total overtime expenditure for these positions was more than 70% of the overtime paid out for all positions.

Highway Maintenance Worker/Senior had the highest overtime expenditure (Figure 2.9). The total amount of overtime pay for that position was between \$1.2 million to just over \$1.8 million. Yearly expenditures for overtime were about \$1 million for Highway Construction Technicians III during the three-year period. Expenditures for the other three Top 5 positions were less than \$1 million each year.

Figure 2.9. In each of the years examined, Transportation’s largest amount of overtime spending was for the Highway Maintenance Worker/Senior position.



Source: Audit Office analysis of data from the State of Nebraska EnterpriseOne system.

Top 5 Positions Detail

Like the other two agencies, Transportation spent the most on their top overtime position, Highway Maintenance Workers/Senior, because of the large number of employees in this position working overtime: 550 Maintenance Workers/Senior worked overtime in FY2018, 679 in FY2019, and 543 in FY2020 (page 25 provides detailed information on each Top 5 position). In both FY2019 and FY2020, more Highway Maintenance Workers/Senior worked overtime than individuals in the next four positions combined.

Although the highest overtime cost was for these workers, their median overtime pay was less than the other positions in the Top 5. The median overtime pay for Highway Maintenance Worker/Senior was between \$1,600 to \$2,200. In contrast, the median for each of the positions with the highest median overtime pay—Highway Construction Technician III and Highway Maintenance Supervisor—was at least \$4,000 more.

Highway Maintenance Worker/Senior

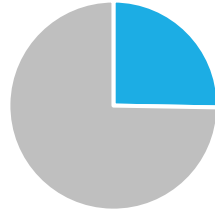
Performs various tasks and operates all types of equipment to maintain and preserve highways, shoulders, roadside areas, structures and other broad pavement surfaces and related markings/signs.

Total OT Employees:

- 550 (FY2018)
- 679 (FY2019)
- 543 (FY2020)

Median OT Pay:

- \$1,600 (FY2018)
- \$2,240 (FY2019)
- \$1,822 (FY2020)



25% of DOT's FY2018-FY2020 OT spending was for this position.

Highway Construction Technician III

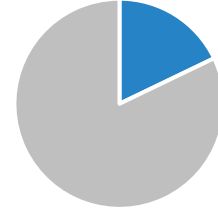
Performs and oversees technical construction functions serving as the survey crew leader, materials plant processing inspector, or the lead inspector on all phases of projects accepting or rejecting work performed.

Total OT Employees:

- 130 (FY2018)
- 123 (FY2019)
- 112 (FY2020)

Median OT Pay:

- \$6,200 (FY2018)
- \$7,528 (FY2019)
- \$7,782 (FY2020)



18% of DOT's FY2018-FY2020 OT spending was for this position.

Highway Construction Technician II

Performs basic engineering support and construction work as a field crewmember. Performs a variety of functions including survey work, materials testing and analysis, inspection construction operations, computing project measurements, and accepting or rejecting materials and contractor work.

Total OT Employees:

- 117 (FY2018)
- 101 (FY2019)
- 100 (FY2020)

Median OT Pay:

- \$3,435 (FY2018)
- \$3,475 (FY2019)
- \$2,597 (FY2020)



8% of DOT's FY2018-FY2020 OT spending was for this position.

Highway Maintenance Crew Chief

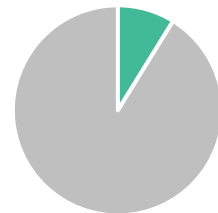
Serves as a lead worker and assigns and monitors work crew to maintain and preserve highways, shoulders, roadside areas, structures, and other broad pavement surfaces and markings/signs.

Total OT Employees:

- 125 (FY2018)
- 137 (FY2019)
- 132 (FY2020)

Median OT Pay:

- \$2,639 (FY2018)
- \$3,868 (FY2019)
- \$2,986 (FY2020)



9% of DOT's FY2018-FY2020 OT spending was for this position.

Highway Maintenance Supervisor

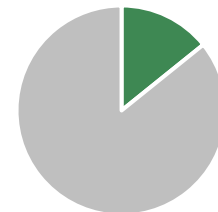
Coordinates and supervises activities of one or more crew chief positions and assigned maintenance employees and ensures that safety procedures and standards are followed.

Total OT Employees:

- 92 (FY2018)
- 95 (FY2019)
- 99 (FY2020)

Median OT Pay:

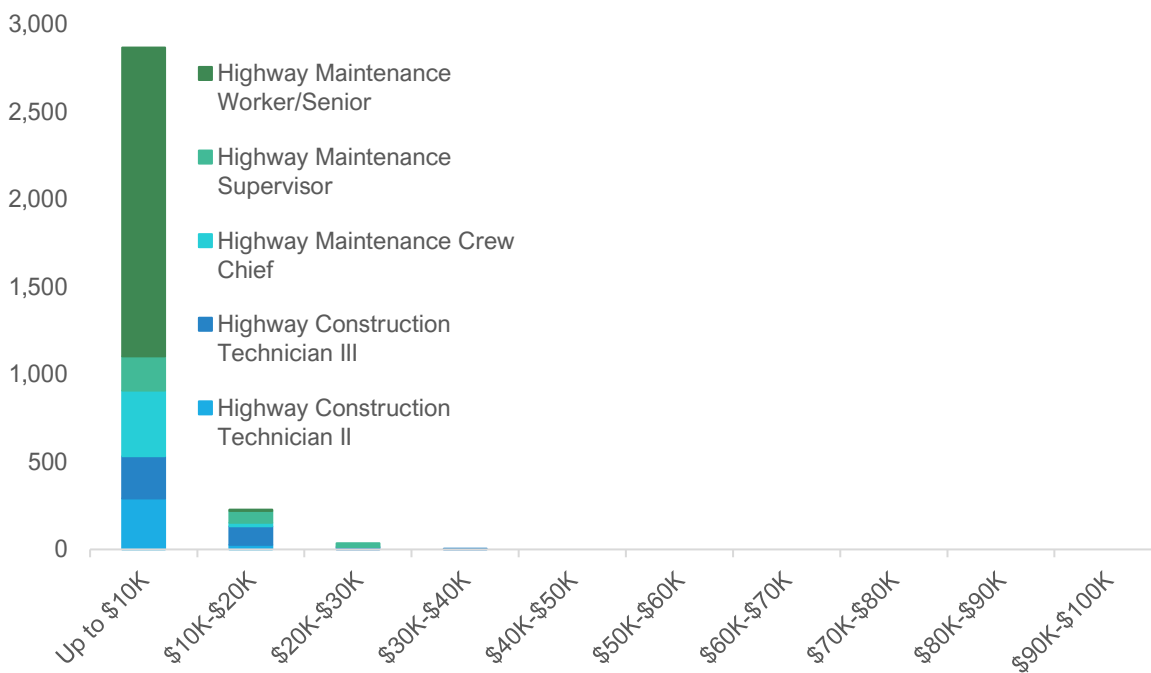
- \$5,597 (FY2018)
- \$8,762 (FY2019)
- \$5,557 (FY2020)



14% of DOT's FY2018-FY2020 OT spending was for this position.

As the relatively low median overtime pay suggests, most individual employees working in the Top 5 positions at Transportation earned \$10,000 or less in overtime pay. Looking at all three fiscal years combined, over 2,800 of the roughly 3,100 employees, or 91%, in these positions earned \$10,000 or less in overtime (Figure 2.10). Nearly all Highway Construction Technicians II, Highway Maintenance Crew Chiefs, and Highway Maintenance Workers/Senior earned \$10,000 or less in overtime pay. The most sizeable groups earning more than that were the 29% of Crew Chiefs and the 24% of Highway Maintenance Supervisors who earned between \$10,000 and \$20,000 in overtime pay.

Figure 2.10. The majority of employees in each of the Transportation positions with the top expenditures made less than \$10,000 in overtime.



Position (Total Employees)	\$10K or less	\$10K- \$20K	\$20K- \$30K	\$30K- \$40K
Highway Construction Technician II (318)	291 (92%)	27 (8%)	0 (0%)	0 (0%)
Highway Construction Technician III (365)	241 (66%)	106 (29%)	14 (4%)	4 (1%)
Highway Maintenance Crew Chief (394)	375 (95%)	19 (5%)	0 (0%)	0 (0%)
Highway Maintenance Supervisor (286)	197 (69%)	68 (24%)	21 (7%)	0 (0%)
Highway Maintenance Worker/Senior (1,772)	1,764 (100%)	8 (<1%)	0 (0%)	0 (0%)

Source: Audit Office analysis of data from the State of Nebraska EnterpriseOne system.

No one at Transportation earned more than \$40,000 in overtime in a year during the review period. The largest amount of overtime paid to any one individual employee was the nearly \$40,000 paid to a Highway Construction Technician III in FY2019 (Figure 2.11). A Construction Technician III also earned the highest individual amount of overtime pay in the other two years: over \$32,000 in FY2018 and nearly \$30,000 in FY2020. Because no one at Transportation made more than \$50,000 in overtime in a year, we did not conduct the further analysis of high overtime users that we did for Corrections and DHHS.

Figure 2.11. The highest amount of overtime earned by a Transportation employee was \$39,688.

Position	FY2018	FY2019	FY2020
Highway Construction Technician II	\$16,630	\$14,713	\$11,915
Highway Construction Technician III	\$32,417	\$39,688	\$29,811
Highway Maintenance Crew Chief	\$19,087	\$19,915	\$17,842
Highway Maintenance Supervisor	\$26,266	\$27,533	\$25,133
Highway Maintenance Worker/Senior	\$9,221	\$14,009	\$12,454

Source: Audit Office analysis of data from the State of Nebraska EnterpriseOne system.

APPENDIX

Figure A.1. Most Corrections employees working overtime earned between \$1,000 and \$5,000 a year.

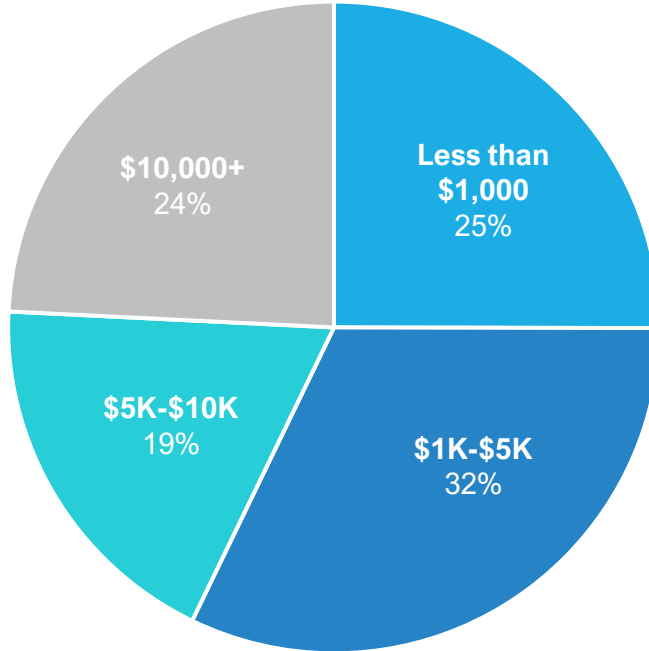


Figure A.2. The majority of DHHS employees working overtime earned less than \$1,000 a year.

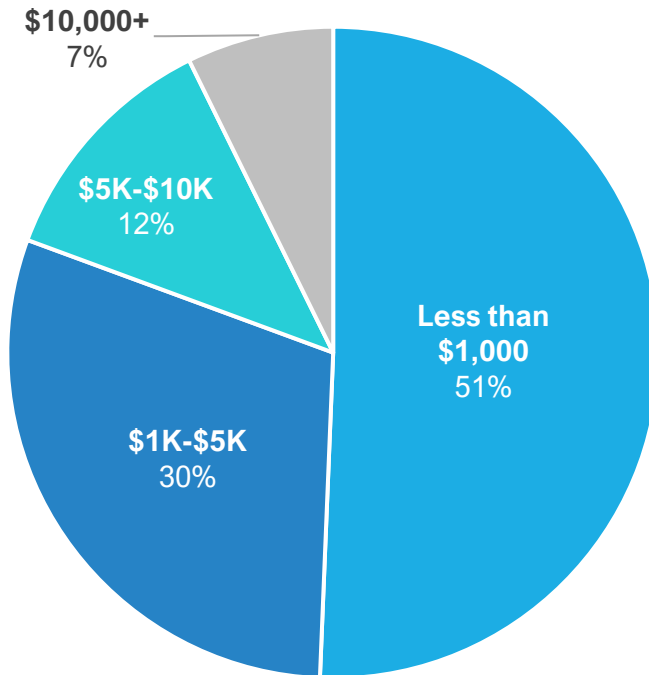
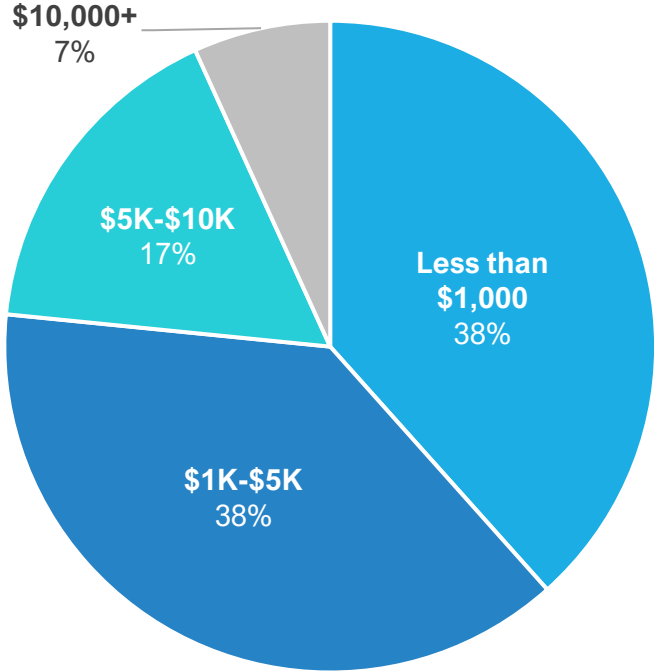


Figure A.3. 38% of Transportation employees working overtime earned less than \$1,000 a year and another 38% earned between \$1,000 and \$5,000 a year.



Source for all figures: Audit Office analysis of data from the State of Nebraska EnterpriseOne system.

III. Agency Response

Legislative Auditor's Summary of Agency Response

This summary meets the requirement of Neb. Rev. Stat. § 50-1210 that the Legislative Auditor briefly summarize the agency's response to the draft performance audit report and describe any significant disagreements the agency has with the report or recommendations.

The three agencies reviewed in this audit, the Department of Health and Human Services, the Department of Correctional Services, and the Department of Transportation, made no substantive comments about the report. All three indicated they had reviewed the report and had no additions or corrections.

