OFFICE OF HUMAN RESOURCES

Isiah Leggett
County Executive

Shawn Y. Stokes
Director

MEMORANDUM

November 17, 2015

TO: Executive Branch Department and Office Directors

FROM: Shawn Y. Stokes, Director
Office of Human Resources

SUBJECT: 2015 Compensatory Time and Annual Leave Carryover

The following memorandum outlines the various rules and limitations, in accordance with the MCGEO and IAFF Collective Bargaining Agreements and the Personnel Regulations, relating to the accrual and carryover of excess compensatory time and annual leave. Please ensure that all employees are aware of this information.

COMPENSATORY TIME

The 2015 leave year concludes with the biweekly payroll reporting period in which December 31 falls, the pay period ending **January 9, 2016**. Excess compensatory time is defined as compensatory time hours earned by an employee that exceed 80 hours at the end of the leave year. Full and part-time employees are subject to the same 80-hour threshold for excess compensatory time. Employees who carried over excess compensatory time from the previous leave year (2014 to 2015) must use this excess compensatory time by the end of the 2015 leave year, **January 9, 2016**.

Compensatory Leave Supplemental hours (Comp Leave Supp) are considered separate from regular earned compensatory time. Since Comp Leave Supp hours may be carried over each year, these hours are not included in the end of the leave year process for compensatory time. Therefore, employees are not entitled to any pay for Comp Leave Supp hours at either the end of the leave year or at termination.

Non-Exempt Unrepresented and MCGEO Local 1994 Employees:

Under the Fair Labor Standards Act (FLSA), non-exempt employees with compensatory time balances in excess of 80 hours at the end of the leave year will be paid for excess compensatory hours over 80; **unless** the non-exempt employee submits written notice to the Office of Human Resources (OHR) to carry over their excess compensatory time from the 2015 leave year to the 2016 leave year. The notice must be received by OHR via e-mail

or memo to the following mail box: Leaveyear@montgomerycountymd.gov by **February 12, 2016, or non-exempt employees will receive payment on March 18, 2016. Important: You must enter code: 0116 Excess Comp Time in the subject line of the e-mail or memo.** The FLSA does not permit the transfer of excess compensatory time to sick leave for non-exempt employees.

Exempt MCGEO and Unrepresented Employees:

Under the FLSA, exempt employees who have compensatory time balances in excess of 80 at the end of the leave year will have excess compensatory time hours transferred to sick leave at the end of the leave year. The transfer will show on the pay slip of **February 5, 2016**. Exempt employees who wish to carryover excess compensatory time from the 2015 leave year to the 2016 leave year should submit a request to their Department/Office Director for approval **by February 12, 2016.** Department/Office Directors should approve carryover of excess compensatory time only if it was demonstrated that the employee was unable to reduce such time to 80 hours due to emergency or special workload considerations. Documentation of the Director's approval of the request must be received by the OHR Director via e-mail or memo in care of LeaveYear@montgomerycountymd.gov **by February 19, 2016. Important: You must enter code: 0116 Excess Comp Time in the subject line of the e-mail or memo.** The approved carryover amount will be first transferred to your sick leave balance that is visible on the pay slip for **February 5, 2016**, but later added back to your compensatory leave balance on the pay slip dated **March 18, 2016**, which will be visible in MCtime on **Monday, March 14, 2016.**

International Association of Firefighters, Local 1664 (IAFF) Employees:

IAFF bargaining unit employees with compensatory leave balances in excess of 80 hours at the end of the leave year (96 hours for an employee assigned to a 2,496 hour work year and 84 hours for an employee assigned to a 2,184 hour work year) may elect to receive payment for excess compensatory time to be paid on the pay date of **March 18, 2016**, or the employee may elect to carryover excess compensatory time from the 2015 leave year to the 2016 leave year. MCFRS employees will be sent instructions from the Division of Administrative Services regarding the specific deadline for a departmental submission to OHR. MCFRS will coordinate requests of employees who wish to carry over their compensatory time or annual leave, and submit everything to OHR and Payroll prior to the deadline. The department will submit the coordinated response to the OHR Director via e-mail or memo in care of Leaveyear@montgomerycountymd.gov **by February 19, 2016. Important: You must enter code: 0116 IAFF Excess Comp Leave in the subject line of the e-mail or memo.** If a written request is not received by **February 19, 2016**, the employee will be paid for the excess compensatory time.

ANNUAL LEAVE CARRYOVER LIMITATIONS

If an employee has accumulated annual leave in excess of the authorized maximum at the end of the 2015 leave year, the employee may elect to 1) transfer 100 percent of the excess annual leave to their 2016 sick leave; or 2) carryover their 2015 excess annual leave to the 2016 leave year if the employee was not able to use the annual leave in 2015 because of special circumstances, workload demands, or if a supervisor denied the employee's request to use excess leave. To carryover excess annual leave, employees must submit a written request to their Department /Office Director for approval **by February 12, 2016.** Approved requests by the Department/Office Directors must be received by the OHR Director via e-mail or memo in care of Leaveyear@montgomerycountymd.gov **by February 19, 2016. Important: You must enter code: 0116 Excess Annual Leave in the subject line of the e-mail or memo.** The approved carryover amount will be first transferred to your sick leave balance that is visible on the pay slip for on **February 5, 2016**, but later added back to your comp leave and/or annual leave balance on the pay slip dated **March 18, 2016**, which will be visible in MCtime on **Monday, March 14, 2016.**

Please note that if you earn compensatory time in the last full pay period of the leave year, that compensatory time won't be reflected in the total compensatory time earned until the pay slip following the end of the leave year.

Employees who carried over excess annual leave from the previous leave year (January 12, 2014 through January 10, 2015) must use this excess annual leave by **January 9, 2016**, the end of the leave year, or the leave will be automatically converted to sick leave.

Please open the attached documents to view annual leave maximums and annual leave carryover calculations. If you have any questions regarding this information, please contact Judith Smiley, HR Specialist at 240.777.5047 or via email at judith.smiley@montgomerycountymd.gov.

SYS/js

Attachments

cc: HR Liaisons
MCtime
Oracle ERP
Payroll

Attachments

The maximum amount of annual leave that may be carried over to the 2016 leave year:

A **Position Type**	B **Initial Employment Date**	C **Annual Leave Carryover Maximums**
Full or Part-time position	Prior to January 1, 1957	**560**
Full- or Part-time position	January 1, 1957 to June 30, 1972	**320**
Full- or Part-time position	After June 30, 1972	**240** **288** for 2,496 hrs/yr. (IAFF) **252** for 2,184 hrs/yr. (IAFF)
MLS & participant of the Employee Retirement System	Prior to October 1, 1994	**320**
MLS & participant of the Retirement Savings Plan (Earns PTO)	On or after October 1, 1994	**No Limit**
Full- or Part-time position occupied by former State/County employee	Any	**400**

Annual Leave Rollover Example

Example :	Carryover limit: 240	Carryover limit: 320
Annual Leave		
Balance Annual Leave as reflected on the 1/8/16 pay slip (pay period 12/13/15 – 12/26/15)	**420.20**	**450.00**
Less Annual Leave used during the pay period of 12/27/15 to 1/9/16 (pay slip 1/22/16)	(16.00)	(16.00)
Plus Annual Leave accrual for the pay period of 12/27/15 – 1/9/16 (pay slip 1/22/16)	4.61	8.00
Annual Leave Balance on the 1/22/16 pay slip	**408.81**	**442.00**
Less Annual Leave maximum carryover limit	(240.00)	(320.00)
# of excess Annual Leave hours for 2015 that will roll to employee's Sick Leave balance	*168.81*	*122.00*
Annual Leave Balance after the excess is rolled:	**240.00**	**320.00**
Plus Annual Leave accrual for the pay period of 1/10/16 – 1/23/16 (pay slip 2/5/16)	4.61	8.00
Annual Leave Balance on the 2/5/16 pay slip (after excess rollover is completed.) This is visible in MCtime on 2/1/16.	**244.61**	**328.00**
Sick Leave		
Sick Leave Balance as reflected on the 1/22/16 pay slip (pay period 12/27/15 – 1/9/15)	**75.00**	**86.00**
Plus excess Annual Leave hours rolled to Sick Leave balance	*168.81*	*122.00*
Plus Sick Leave accrual for the pay period of 1/10/16 – 1/23/16 (pay slip 2/5/16)	4.61	4.61
Sick Leave Balance on the 2/5/16 pay slip (pay period 1/10/16 – 1/23/16.) This is visible in MCtime on 2/1/16.	**248.42**	**212.61**

Employees who wish to carryover excess Annual Leave from the 2015 leave year to the 2016 leave year should submit a request to their Department/Office Director for approval **by February 12, 2016.** Documentation of the Director's approval of the request must be received by the OHR Director via e-mail or memo in care of LeaveYear@montgomerycountymd.gov **by February 19, 2016**.

The approved carryover amount will be added back to your Annual Leave Balance on the 3/18/16 pay slip dated, which will be visible in MCtime on Monday, 3/14/16.

Maximum Annual Leave Accruals

120 hours (1 year of service to end of 3rd year of service)

160 hours (beginning of 4th year of service to end of 15th year of service)

208 hours (beginning of 16th year of service plus)