



OFFICE OF HUMAN RESOURCES

Marc Elrich  
*County Executive*

Berke Attila  
*Director*

MEMORANDUM

Thursday, December 12, 2019

TO: Department and Office Directors

FROM: Berke Attila, Director, Office of Human Resources

SUBJECT: 2019 Compensatory Time and Annual Leave Carryover

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This memorandum outlines the various rules and limitations, in accordance with the MCGEO, FOP 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.

Excess Annual Leave for 2019

Per Section 16-8(d) of the Personnel Regulations the CAO must determine annually, based on the budget and the availability of funds in each operating department, whether to allow eligible employees in all departments to cash out any excess annual leave. Section 14.9 of the MCGEO Agreement, Section 18J of the FOP Agreement, and Section 6.8 of the IAFF Agreement all contain similar provisions.

After careful consideration of the County's fiscal situation, the Chief Administrative Officer has not approved a cash payout for employees with excess annual leave at the end of 2019.

**Annual Leave Carryover Guidance**

If an employee has accumulated annual leave in excess of the authorized maximum at the end of the 2019 leave year, the excess hours will automatically be transferred to the employee's sick leave balance. The employee may elect to carryover their 2019 excess annual leave to the 2020 leave year if the employee was not able to use the annual leave in 2019 because of special circumstances, workload demands, or if a supervisor denied the employee's request to

use excess leave. Employees who carried over excess annual leave from the previous leave year (January 7, 2018 through January 5, 2019) must use it by January 4, 2020 or the leave will be automatically converted to sick leave.

To carryover excess annual leave, employees must submit a request to their Department /Office Director for approval **by February 18, 2020**. Employees should submit their request electronically by going to [www.montgomerycountymd.gov/leavecarryover](http://www.montgomerycountymd.gov/leavecarryover). Employees will receive an email confirmation when the request is submitted and an email notification when the request is approved or denied. Department approvers may submit a request on behalf of employees who have no or limited access to a computer. Employees' leave request must be approved by Department approvers by **February 25, 2020**.

The approved carryover amount will be first transferred to your sick leave balance that is visible on the pay slip for on **January 31, 2020**, but later added back to your annual leave balance on the pay slip dated **March 27, 2020**, which will be visible in MCtime on **March 23, 2020**

### **Compensatory Time Leave Carryover Guidance**

The 2019 leave year concludes with the biweekly payroll reporting period that ends on January 4, 2020. Excess compensatory time is defined as compensatory time hours earned by an employee that exceeds 80 hours at the end of the leave year. Full-time 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 2018 leave year (January 7, 2018 through January 5, 2019) must use this excess compensatory time by the end of the 2019 leave year, January 4, 2020.

Please note due to the annual rollover process any compensatory time earned in the last full pay period of the leave year will be reflected in the total compensatory time earned on the **January 31, 2020** pay slip or visible in MCtime on **January 13, 2020**.

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. Employees are not entitled to any pay for Comp Leave Supp hours at either the end of the leave year or at separation from County employment.

### **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 2019 leave year to the 2020 leave year. The notice must be submitted electronically at [www.montgomerycountymd.gov/leavecarryover](http://www.montgomerycountymd.gov/leavecarryover) by **February 18, 2020**. The FLSA does not permit the transfer of excess compensatory time to sick leave for non-exempt employees.

### **FLSA Exempt Unrepresented and MCGEO Local 1994 Employees**

Employees designated as exempt under FLSA and have compensatory time balances in excess of 80 hours at the end of the leave year, will have the excess compensatory time hours transferred to sick leave at the end of the leave year. The transfer will appear on the pay slip of **January 31, 2020**.

Exempt employees who wish to carryover excess compensatory time from the 2019 leave year to the 2020 leave year should submit a request to their Department/Office Director for approval by **February 18, 2020**. Employees should submit their request to: [www.montgomerycountymd.gov/leavecarryover](http://www.montgomerycountymd.gov/leavecarryover).

Employees will receive an email confirmation when the request is submitted and an email notification when the request is approved or denied. Department approvers may submit a request on behalf of employees who have no or limited access to a computer. All employees' leave request must be approved by Department approvers by **February 25, 2020**. 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.

The approved carryover amount will be first transferred to the employee's sick leave balance that is visible on the pay slip for **January 31, 2020**, but later added back to the compensatory leave balance on the pay slip dated **March 27, 2020**, which will be visible in Mctime on **March 23, 2020**.

### **Fraternal Order of Police, Montgomery County Lodge, 35, Inc. (FOP)**

A FOP bargaining unit employee who has a compensatory time balance in excess of 80 hours at the end of the leave year (January 4, 2020) may elect to be paid for the excess hours by the first pay period following March 27, 2020 or to carry over the balance for one year. Employees who elect to carryover their compensatory time balance should submit their leave carryover request by **February 18, 2020** to: [www.montgomerycountymd.gov/leavecarryover](http://www.montgomerycountymd.gov/leavecarryover).

Employees will receive an email confirmation when the request is submitted and an email notification when the request is approved or denied. If a leave carryover request is not submitted, employees with excess leave balance in excess of 80 hours will be paid for the excess hours on **March 27, 2020**.

### **International Association of Firefighters, Local 1664 (IAFF) Employees**

IAFF bargaining unit employees with compensatory time 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 27, 2020**.

Employees may elect to carry over excess compensatory time from the 2019 leave year to the 2020 leave year by submitting their leave carryover request electronically at [www.montgomerycountymd.gov/leavecarryover](http://www.montgomerycountymd.gov/leavecarryover) by **February 18, 2020**. Department approvers may submit a request on behalf of employees who have no access or limited access to a computer.

### **Excess Carryover Electronic Submission**

The instructional guide for requesting excess annual leave and compensatory time carryover is provided at [www.montgomerycountymd.gov/resourceguide](http://www.montgomerycountymd.gov/resourceguide). Employees must submit their excess annual leave and compensatory time request electronically by **February 18, 2020** via: [www.montgomerycountymd.gov/leavecarryover](http://www.montgomerycountymd.gov/leavecarryover)

Please note that requests for compensatory time and annual leave carryover submitted after the deadline will not be approved. The leave year Sharepoint site will open for employees to submit their requests on **January 17, 2020**.

If you have any questions regarding this information, please contact [leaveyear@montgomerycountymd.gov](mailto:leaveyear@montgomerycountymd.gov).

cc: Amanda Hardy-Konkus, ERP Project Manager  
Pamela Vaughn, DTS, Manager  
HR Liaisons  
MCtime  
Payroll  
OHR Staff