



OFFICE OF HUMAN RESOURCES


Marc Elrich  
*County Executive*

Berke Attila  
*Director*

MEMORANDUM

Wednesday, November 25, 2020

TO: Department and Office Directors

FROM: Berke Attila, Director, Office of Human Resources 

SUBJECT: 2020 Compensatory Time and Annual Leave Carryover

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After careful consideration of the 2020 pandemic and the County's fiscal situation, there is no change to the accrual and carryover of excess compensatory time and annual leave for calendar year 2020. Department Managers must ensure fairness, consistency and flexibility in departmental reviews while carefully considering the circumstances involved, departmental operations, whether the employee requested to use any leave and the impact of the pandemic on the employees' ability to take leave.

This memorandum provides guidance in accordance with the Montgomery County Personnel Regulations and the MCGEO, FOP and IAFF Collective Bargaining Agreements, relating to the accrual and carryover of excess compensatory time and annual leave. Please ensure that all employees are aware of this information.

**Unused Carryover Leave from 2019**

All unused leave carried over **from the previous calendar year (2019)** must be used by **January 2, 2021**. There is no extension beyond that date. The unused leave will be transferred to sick leave. We encourage departments to work with their employees to utilize any unused 2019 carryover leave by January 2, 2021.

**Excess Annual Leave for 2020**

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.

As previously mentioned, 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 the calendar year 2020. Based on the CAO's decision and in accordance with the above-mentioned personnel regulations and collective bargaining agreements, below is the 2020 Compensatory Time and Annual Leave Carryover Guidance.

### **Annual Leave Carryover Guidance**

If an employee has accumulated annual leave in excess of the authorized maximum at the end of the 2020 leave year, the employee may elect to carryover their 2020 excess annual leave to the 2021 leave year if the employee was not able to use the annual leave in 2020 because of special circumstances, workload demands, or if a supervisor denied the employee's request to use excess 2020 leave.

To carryover excess annual leave, employees must submit a request to their Department/Office Director for approval **by February 13, 2021**. 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. Department approvers must approve or deny employees' leave requests by **February 23, 2021**.

The approved carryover amount will be first transferred to the employee's sick leave balance, which will be visible on the pay slip dated **January 29, 2021**. The approved carryover amount will then be added back to the employee's annual leave balance on the pay slip dated **March 26, 2021**, which will be visible in Mctime on **March 22, 2021**.

**Employees who carried over excess annual leave from the previous leave year (January 6, 2019 through January 4, 2020) must use it by January 2, 2021 or the leave will be automatically converted to sick leave.**

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

The 2020 leave year concludes with the biweekly payroll reporting period that ends on January 2, 2021. 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.

Please note that any compensatory time earned in the last full pay period of the leave year (December 20, 2020 through January 2, 2021) will be reflected in the total compensatory time earned on the January 29, 2021 pay slip or visible in MCTime on January 11, 2021.

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.

**Employees who carried over excess compensatory time from the previous leave year (January 6, 2019 through January 4, 2020) must use this excess compensatory time by the end of the 2020 leave year, January 2, 2021.**

#### **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 2020 leave year to the 2021 leave year. The notice must be submitted electronically at [www.montgomerycountymd.gov/leavecarryover](http://www.montgomerycountymd.gov/leavecarryover) by **February 13, 2021**. The FLSA does not permit the transfer of excess compensatory time to sick leave for non-exempt employees.

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

Employees designated as exempt under FLSA and who 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 29, 2021**.

Exempt employees who wish to carryover excess compensatory time from the 2020 leave year to the 2021 leave year should submit a request to their Department/Office Director for approval by **February 13, 2021**. Employees should submit their request at: [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. Department approvers must approve or deny employees' leave carryover requests by **February 23, 2021**. 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, which will be visible on the pay slip dated **January 29, 2021**. The approved carryover amount will then be added back to the employee's compensatory leave balance on the pay slip dated **March 26, 2021**, which will be visible in MCTime on **March 22, 2021**.

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

An FOP bargaining unit employee who has a compensatory time balance in excess of 80 hours at the end of the leave year (**January 2, 2021**) may elect to be paid for the excess hours on **March 26, 2021** 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 13, 2021** at: [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 leave balances in excess of 80 hours will be paid for the excess hours on **March 26, 2021**.

#### **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 26, 2021**. Employees who elect to receive payment for these hours do not need to take action.

Employees may elect to carry over excess compensatory time from the 2020 leave year to the 2021 leave year by submitting their leave carryover request electronically at [www.montgomerycountymd.gov/leavecarryover](http://www.montgomerycountymd.gov/leavecarryover) by **February 13, 2021**. 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 here: [www.montgomerycountymd.gov/mcg/resourceguide](http://www.montgomerycountymd.gov/mcg/resourceguide). Employees must submit their excess annual leave and compensatory time request electronically by **February 13, 2021** via: [www.montgomerycountymd.gov/leavecarryover](http://www.montgomerycountymd.gov/leavecarryover).

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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 18, 2021**.

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

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