



OFFICE OF HUMAN RESOURCES

Marc Elrich
County Executive

Traci L. Anderson
Director

MEMORANDUM

Thursday, December 29, 2022

TO: Department and Office Directors

FROM: Traci L. Anderson, Director, Office of Human Resources

SUBJECT: 2022 Compensatory Time and Annual Leave Carryover

This memorandum outlines the various rules and limitations, relating to the accrual and carryover of excess compensatory time and annual leave, in accordance with the MCGEO, FOP and IAFF Collective Bargaining Agreements and the County's Personnel Regulations. Please ensure that all employees are aware of this information. **Eligible employees may submit leave carryover requests beginning January 17, 2023 for leave year 2022, using the following link: www.montgomerycountymd.gov/leavecarryover.**

Excess Annual Leave for 2022

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 2022.

Annual Leave Carryover Guidance

If an employee has accumulated annual leave in excess of the authorized maximum at the end of the 2022 leave year, the employee may elect to carryover their 2022 excess annual leave into the 2023 leave year if the employee was not able to use the annual leave in 2022 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 3,

2021, through January 1, 2022) must use it by December 31, 2022, 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 no later than February 10, 2023**. Employees must submit their request electronically by going to 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, 2023**.

Here's how it works:

1. The approved carryover amount is transferred to the employee's sick leave balance visible on the pay slip dated **January 27, 2023 (available in MCtime on January 23, 2023)**.
2. The approved carryover amount is added back to an employee's annual leave balance visible on the pay slip dated **March 24, 2023 (available in MCtime on March 20, 2023)**.

Compensatory Time Leave Carryover Guidance

The 2022 leave year concludes with the biweekly payroll reporting period that ends on December 31, 2022. 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-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 previous leave year (January 3, 2021, through January 1, 2022) must use this excess compensatory time by the end of the 2022 leave year, December 31, 2022.

Please note that any compensatory time earned in the last full pay period of the leave year (December 18, 2022 through December 31, 2022) will be reflected in the total compensatory time earned on the January 27, 2023 pay slip or visible in MCtime on January 9, 2023.

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 2022 leave year to the 2023 leave year. The notice must be submitted electronically at

www.montgomerycountymd.gov/leavecarryover by **February 10, 2023**. The FLSA does not permit the transfer of excess compensatory time to sick leave for non-exempt employees.

FLSA Exempt Unrepresented and MCGEO and 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 dated **January 27, 2023**.

Exempt employees who wish to carryover excess compensatory time from the 2022 leave year to the 2023 leave year must submit a request to their Department/Office Director for approval by **February 10, 2023**. Employees must submit their request to:

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 carryover request must be approved by Department approvers by **February 25, 2023**.

Department/Office Directors must 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 your sick leave balance that is visible on the pay slip dated **January 27, 2023**, but later added back to your compensatory leave balance on the pay slip dated **March 24, 2023**, which will be visible in MCtime on **March 20, 2023**.

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 (**December 31, 2022**) may elect to be paid for the excess hours by the first pay period following **March 24, 2023** or to carry over the balance for one year. Employees who elect to carryover their compensatory time balance must submit their leave carryover request by **February 10, 2023** to: 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 balances in excess of 80 hours will be paid for the excess hours on **March 24, 2023**.

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 slip dated **March 24, 2023**.

Employees may elect to carry over excess compensatory time from the 2022 leave year to the 2023 leave year by submitting their leave carryover request electronically at www.montgomerycountymd.gov/leavecarryover by **February 10, 2023**. Department approvers may submit a request on behalf of employees who have no access or limited access to a computer.

Excess Carryover Electronic Submission Information and Online Guides

The instructional guide for requesting excess annual leave and compensatory time carryover is provided at <http://www.montgomerycountymd.gov/leavecarryover>. Also, for details regarding the Annual Leave Carryover and Compensatory Time Process such as carryover maximums and excess compensatory leave cash-out eligibility, refer to the document, [Annual Leave Carryover and Compensatory Time Process](#). Employees must submit their excess annual leave and compensatory time request electronically by **February 10, 2023** via: 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, 2023**. If you have any questions regarding this information, please contact leaveyear@montgomerycountymd.gov.

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