



OFFICE OF HUMAN RESOURCES

Isiah Leggett
County Executive

Shawn Y. Stokes
Director

MEMORANDUM

Monday, November 19, 2018

TO: Department and Office Directors

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

SUBJECT: 2018 Compensatory Time and Annual Leave Carryover

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 2018

Section 16-8(d) of the Personnel Regulations states the CAO must determine annually, based on the budget limitation 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 for the year.

Annual Leave Carryover Guidance

If an employee has accumulated annual leave in excess of the authorized maximum at the end of the 2018 leave year, the excess hours will automatically be transferred to the employee's sick leave balance. The employee may elect to carryover their 2018 excess annual leave to the 2019 leave year if the employee was not able to use the annual leave in 2018 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 request to their Department /Office Director for approval **by February 8, 2019**. Employees should submit their request electronically at <https://www.montgomerycountymd.gov/mcg/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 limited or no access to a computer. Employees' leave request must be approved by Department approvers by **February 15, 2019**.

The approved carryover amount will be first transferred to the employee's sick leave balance that is visible on the payslip dated **February 1, 2019**, but later added back to the employee's annual leave balance on the payslip dated **March 15, 2019**, which will be visible in Mctime on **Monday, March 11, 2019**.

Employees who carried over excess annual leave from the previous leave year (January 8, 2017 through January 6, 2018) must use this excess annual leave by **January 5, 2019**, the end of the leave year, or the leave will be automatically converted to sick leave.

Please note that requests for compensatory time and annual leave carryover submitted after the deadline(s) will not be approved.

Compensatory Time Leave Carryover Guidance

The 2018 leave year concludes with the biweekly payroll reporting period that ends on January 5, 2019. 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 (January 8, 2017 through January 6, 2018) must use this excess compensatory time by the end of the 2018 leave year (January 5, 2019).

Please note that 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 **February 1, 2019** payslip or visible in Mctime on Monday, **January 14, 2019**.

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 a request to carryover their excess compensatory time via SharePoint to carry over their excess compensatory time from the 2018 leave year to the 2019 leave year. The notice must be submitted by **February 15, 2019** electronically at <https://www.montgomerycountymd.gov/mcg/LeaveCarryOver>.

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 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 payslip of **February 1, 2019**.

Exempt employees who wish to carryover excess compensatory time from the 2018 leave year to the 2019 leave year must submit a request via SharePoint to their Department/Office Director for approval by **February 8, 2019**. Employees must submit their request electronically at <https://www.montgomerycountymd.gov/mcg/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 15, 2019**. 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 payslip dated **February 1, 2019**, but later added back to the employee's compensatory leave balance on the payslip dated **March 15, 2019**, which will be visible in Mctime on **Monday, March 11, 2019**.

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 5, 2019) may elect to receive payment for excess compensatory time to be paid on the pay date of March 15, 2019 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 15, 2019** electronically at <https://www.montgomerycountymd.gov/mcg/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 access or limited access to a computer. 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 15, 2019**.

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 15, 2019 or carry the excess compensatory time over for one year.

Employees may elect to carry over excess compensatory time from the 2018 leave year to the 2019 leave year by submitting their leave carryover request by **February 15, 2019** electronically at <https://www.montgomerycountymd.gov/mcg/LeaveCarryOver>. Department approvers may submit a request on behalf of employees who have no access or limited access to a computer.

Questions

A guide for navigating the [Finance Leave Carry Over Portal](#) can be found attached along with examples of annual leave maximums and annual leave carryover calculations. If you have any questions regarding this information, please contact leaveyear@montgomerycountymd.gov.

Attachments

cc: HR Liaisons
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