



OFFICE OF HUMAN RESOURCES

Marc Elrich  
*County Executive*

Berke Attila  
*Director*

MEMORANDUM

Wednesday, December 29, 2021

TO: Department and Office Directors

FROM: Berke Attila, Director, Office of Human Resources 

SUBJECT: 2021 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. The leave year SharePoint site, [www.montgomerycountymd.gov/leavecarryover](http://www.montgomerycountymd.gov/leavecarryover), will open for employees to submit their requests on **January 17, 2022**.

#### Excess Annual Leave for 2021

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 2021.

#### Annual Leave Carryover Guidance

If an employee has accumulated annual leave in excess of the authorized maximum at the end of the 2021 leave year, the employee may elect to carryover their 2021 excess annual leave to the 2022 leave year. Requests may only be approved if the employee was not able to use the annual leave in 2021 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 5, 2020, through January 2, 2021) must use it by January 1, 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 February 11, 2022**. Employees should submit their request electronically at [www.montgomerycountymd.gov/leavecarryover](http://www.montgomerycountymd.gov/leavecarryover).

Employees will receive an email confirmation of the request 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 approvals must be completed by **February 23, 2022**.

Initially the approved carryover hours are transferred to the employee sick leave balance, visible on the pay slip for on **January 28, 2022**; however, later the amount is added back to the employee annual leave balance on the pay slip dated **March 25, 2022**, which is visible in Mctime on **March 21, 2022**.

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

The 2021 leave year concludes with the biweekly payroll reporting period that ends on January 1, 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 both subject to the same 80-hour limit for excess compensatory time. Employees who carried over excess compensatory time from the previous leave year (January 5, 2020, through January 2, 2021) must use this excess compensatory time by the end of the 2021 leave year, January 1, 2022.

**SPECIAL CARRYOVER PROCESSING NOTE:** Any compensatory time earned in the last full pay period of the leave year (December 19, 2021, through January 1, 2022) will be reflected in the total compensatory time earned on the January 28, 2022, pay slip. This is one pay period later than normal processing. However, compensatory leave earned and any compensatory leave earned for the Holidays, in the final pay period of the leave year, will be visible in Mctime on January 10, 2022, and is available to be used immediately.

Compensatory Leave Supplemental (Comp Leave Supp) hours 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 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 their request electronically at [www.montgomerycountymd.gov/leavecarryover](http://www.montgomerycountymd.gov/leavecarryover) by **February 11, 2022** to carry over their excess compensatory time from the 2021 leave year to the 2022 leave year.

The FLSA does not permit the transfer of excess compensatory time to sick leave for non-exempt employees and requires the carryover leave to be used by the end of the next year.

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

Employees designated as FLSA exempt with 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 28, 2022**.

Exempt employees who wish to carryover excess compensatory time from the 2021 leave year to the 2022 leave year should submit a request at [www.montgomerycountymd.gov/leavecarryover](http://www.montgomerycountymd.gov/leavecarryover) to their Department/Office Director for approval by **February 11, 2022**.

Employees will receive an email confirmation of the request 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 approvals must be completed by **February 23, 2022**.

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.

Initially the approved carryover hours are transferred to the employee sick leave balance, visible on the pay slip on **January 28, 2022**. However, later the hours are added back to the employee compensatory leave balance on the pay slip dated **March 25, 2022**, which is visible in Mctime on **March 21, 2022**.

### **Fraternal Order of Police, Montgomery County (FOP) Employees**

An FOP bargaining unit employee who has a compensatory time balance in excess of 80 hours at the end of the leave year (**January 1, 2022**) may elect to be paid for the excess hours or to carry over the balance for one year.

Employees who elect to carryover their compensatory time balance should submit their leave carryover request to: [www.montgomerycountymd.gov/leavecarryover](http://www.montgomerycountymd.gov/leavecarryover) by **February 11, 2022**. Employees will receive an email confirmation of the request and an email notification when the request is approved or denied. Initially the approved carryover amount is transferred to the employee sick leave balance, visible on the pay slip for on **January 28, 2022**. However, later the hours are added back to the employee compensatory leave balance on the pay slip dated **March 25, 2022**, which is visible in Mctime on **March 21, 2022**.

If no leave carryover request is submitted, employees with excess leave balance in excess of 80 hours will be paid for the excess hours on **March 25, 2022**.

### **International Association of Firefighters, (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 be paid for excess compensatory time or to carry over the balance for one year.

Employees who elect to carryover their compensatory time balance should submit their leave carryover request to: [www.montgomerycountymd.gov/leavecarryover](http://www.montgomerycountymd.gov/leavecarryover) by **February 11, 2022**. Employees will receive an email confirmation of the request and an email notification when the request is approved or denied. Initially, the approved carryover amount is transferred to the employee sick leave balance, visible on the pay slip on **January 28, 2022**. However later the hours are added back to the employee compensatory leave balance on the pay slip dated **March 25, 2022**, which is visible in Mctime on **March 21, 2022**.

If no leave carryover request is submitted, employees with excess leave balance in excess of 80 hours will be paid for the excess hours on **March 25, 2022**.

### **Excess Carryover Electronic Submission**

The instructional guide for requesting excess annual leave and compensatory time carryover is provided at <https://www.montgomerycountymd.gov/mcg/resourceguide>. The leave year SharePoint site, [www.montgomerycountymd.gov/leavecarryover](http://www.montgomerycountymd.gov/leavecarryover), will open for employees to submit their requests on **January 17, 2022**. Employees must submit their requests via the site by **February 11, 2022**. Requests for compensatory time and annual leave carryover submitted after the deadline cannot be approved.

For additional information related to the Annual Leave and Compensatory Carryover process, please refer to the [2021 Annual Leave and Compensatory Time Carryover PowerPoint](#). If you have any questions regarding this information, please contact [leaveyear@montgomerycountymd.gov](mailto:leaveyear@montgomerycountymd.gov).

cc: Jeff Buddle, IAFF  
Amanda Hardy-Konkus, ERP  
Lee Holland, FOP  
Corey Orlosky, OMB  
Gino Renne, MCGEO  
HR Liaisons  
Mctime  
MLS  
OHR  
OLR  
Payroll  
Public Safety Managers