



OFFICE OF HUMAN RESOURCES

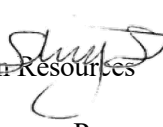
Isiah Leggett
County Executive

Shawn Y. Stokes
Director

M E M O R A N D U M

November 16, 2017

TO: Department and Office Directors

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

SUBJECT: 2017 Annual and Compensatory Leave Carryover Process

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.

Annual Leave Carryover Guidance

Excess Annual Leave for 2017

Section 16-8(d) of the Montgomery County Personnel Regulations states the Chief Administrative Officer (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 CAO has not approved a cash payout for employees with excess annual leave for the year.

Annual Leave Carryover Limitations

If an employee has accumulated annual leave in excess of the authorized maximum at the end of the 2017 leave year (January 6, 2018), the excess hours will automatically be transferred into the employee's sick leave. The employee may elect to carry over their 2017 excess annual leave to the 2018 leave year if the employee was not able to use the annual leave in 2017 because of special circumstances, workload demands, or if a supervisor denied the employee's request to use excess leave.

To carry over excess annual leave, employees must submit a written request to their Department /Office Director for approval **by February 9, 2018**. Approved requests by the Department/Office Directors must be received via email to: leaveyear@montgomerycountymd.gov by **February 16, 2018**. **Important: In the subject line of the email enter: 0118 Excess Annual Leave.**

The maximum amount of annual leave (AL) that may be carried over to the 2018 leave year:

Position Type	Initial Employment Date	AL Carryover Maximum
Full or Part-Time Position	Before January 1, 1957	560
Full or Part-Time Position	January 1, 1957 – June 30, 1972	320
Full or Part-Time Position	After June 30, 1972	240
		288 for 2,496 hr/year (IAFF)
		252 for 2,184 hr/yr (IAFF)
MLS & Participant of the Employee Retirement System	Prior to October 1, 1994	320
MLS & participant of the Retirement Savings Plan (Earns PTO)	On or After October 1, 1994	Not Applicable
Full or Part-time position occupied by former State/County employee	Any	400

The approved carryover amount will be first transferred to the sick leave balance that is visible on the pay slip for on **February 2, 2018**, but later added back to the annual leave balance on the pay slip dated **March 16, 2018**, which will be visible in MCTime on **Monday, March 12, 2018**. An illustration of the annual leave rollover can be found attached.

Employees who carried over excess annual leave from the previous leave year (January 10, 2016 through January 7, 2017) must use this excess annual leave by the end of the leave year, **January 6, 2018**, or the leave will be automatically converted to sick leave.

Compensatory Time Guidance

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 10, 2016 to January 7, 2017) must use this excess compensatory time by the end of the 2017 leave year, January 6, 2018.

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 2, 2018 pay slip or visible in MCTime on Monday, January 15, 2018.

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.

Non- Exempt Employees – Unrepresented and MCGEO Local 1994 Employees:

Under the Fair Labor Standards Act (FLSA), non-exempt employees with compensatory time balances more than 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 carry over their excess compensatory time from the 2017 leave year to the 2018 leave year. The notice must be received by via email to: leaveyear@montgomerycountymd.gov by **February 16, 2018**, or non-exempt employees will receive payment on March 16, 2018. **Important: In the subject line of the email enter: 0118 Excess Comp Time.** The FLSA does not permit the transfer of excess compensatory time to sick leave for non-exempt employees.

Exempt Employees- Unrepresented and MCGEO Local 1994:

Under the Fair Labor Standards Act (FLSA), 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 February 2, 2018.

Exempt employees who wish to carry over excess compensatory time from the 2017 leave year to the 2018 leave year should submit a request to their Department/Office Director for approval by **February 9, 2018**. 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 Department/Office Directors' documentation of approval of the request must be received by via email to: leaveyear@montgomerycountymd.gov by **February 16, 2018**. **Important: In the subject line of the email enter: 0118 Excess Comp Time.** The approved carryover amount will be first transferred to the employee's sick leave balance that is visible on the pay slip for February 2, 2018, but later added back to your compensatory leave balance on the pay slip dated March 16, 2018, which will be visible in MCtime on Monday, March 12, 2018.

Fraternal Order of Police, Montgomery County Lodge, 35, Inc (FOP) Employees:

FOP bargaining unit employees who have a compensatory time balance in excess of 80 hours at the end of the leave year (January 6, 2018) may elect to be paid for the excess hours by the first pay period following March 15 of the succeeding year or to carry them over for one year. Employees should submit their request via email to: leaveyear@montgomerycountymd.gov by **February 16, 2018**. **Important: In the subject line of the email enter: 0118 Excess Comp Time.**

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 16, 2018.

The employee may elect to carry over excess compensatory time from the 2017 leave year to the 2018 leave year by following instructions sent from the MCFRS Division of Administrative Services. MCFRS will coordinate requests of employees who wish to carry over their compensatory time, and submit via email to leaveyear@montgomerycountymd.gov by **February 16, 2018**. **Important: In the subject line of the email enter: 0118 IAFF Comp Time.** If a written request is not received by **February 16, 2018**, the employee will be paid for the excess compensatory time.

Late Annual and Compensatory Leave Carryover Requests

Compensatory time and annual leave carryover submitted to the designated email box leaveyear@montgomerycountymd.gov after the deadline(s) will not be approved.

Questions

Questions regarding this memorandum should be sent via email to:
leaveyear@montgomerycountymd.gov.

Attachments:

Example: Annual Leave Carryover Amounts

cc: HR Liaisons

Payroll

MCtime

Amanda Hardy-Konkus

Example: Annual Leave Carryover Amounts

Example:	Carryover limit: 240	Carryover limit: 320
Annual Leave		
Annual Leave Balance reflected on the 1/5/18 pay slip (pay period 12/10/17 – 12/23/17)	420.20	450.00
<u>Less</u> Annual Leave used during the pay period of 12/24/17 to 1/6/18 (pay slip 1/19/18)	(16.00)	(16.00)
<u>Plus</u> Annual Leave accrual for the pay period of 12/24/17 to 1/6/18 (pay slip 1/19/18)	4.61	8.00
Annual Leave Balance on the 1/19/18 pay slip	408.81	442.00
<u>Less</u> Annual Leave maximum carryover limit	(240.00)	(320.00)
<i># of excess Annual Leave hours for 2017 that will roll to employee's Sick Leave balance</i>	<i>168.81</i>	<i>122.00</i>
Annual Leave Balance after the excess is rolled:	240.00	320.00
<u>Plus</u> Annual Leave accrual for the pay period of 1/7/18 – 1/20/18 (pay slip 2/2/18)	4.61	8.00
Annual Leave Balance on the 2/2/18 pay slip (after excess rollover is completed.) This is visible in Mctime on 1/29/2018.	244.61	328.00
Sick Leave		
Sick Leave Balance as reflected on the 1/19/18 pay slip (pay period 12/24/17 to 1/6/18)	75.00	86.00
<u>Plus</u> excess Annual Leave hours rolled to Sick Leave balance	<i>168.81</i>	<i>122.00</i>
<u>Plus</u> Sick Leave accrual for the pay period of 1/7/18 – 1/20/18 (pay slip 2/2/18)	4.61	4.61
Sick Leave Balance on the 2/2/18 pay slip (pay period 1/7/18 – 1/20/18). This is visible in Mctime on 1/29/2018.	248.42	212.61
Maximum Annual Leave Accruals – (2080-hour work year) 120 hours (1 year of service to end of 3rd year of service) – 3 weeks 160 hours (beginning of 4th year of service to end of 15th year of service) – 4 weeks 208 hours (beginning of 16th year of service plus) – 5 weeks		
<p>Employees who wish to carryover excess Annual Leave from the 2017 leave year to the 2018 leave year must submit a request to their Department/Office Director for approval by February 9, 2018. Documentation of the Department Director's approval of the request must be received via email to leaveyear@montgomerycountymd.gov by February 16, 2018. The approved carryover amount will be added back to the employees Annual Leave Balance on the pay slip dated March 16, 2018, which will be visible in Mctime on Monday, March 12, 2018.</p>		