

Labor & Employee Relations Management Guidance Bulletin



July 2012

#3

Topic: Annual Leave

Definition

Annual leave is a benefit that is granted to full and part-time employees that allows them to receive pay for taking time off. Annual leave must be requested prior to use, consistent with the policies of the appropriate Department. Employees may not use annual leave that they have not yet accrued. For example, an employee may not use leave in the same pay period in which it is accrued. The rate of accrual is dependent on an employee's length of service and is prorated for part-time employees.

Variations in Policy

Montgomery County Government provides a diverse range of services across a variety of working environments. As a result of this diversity, it is very difficult to have one over-arching set of rules that applies to all employees and situations. What works for one Department, may not work for others. In recognition of this fact, the Collective Bargaining Agreement acknowledges that each Department will have its own appropriate rules and regulations concerning leave (Article 14.6). It is important to be familiar with the leave policy in your Department and ensure that the tenets of that policy are being applied equitably to all employees covered by it.

Approval of Annual Leave

Annual Leave is a benefit to employees and "every effort must be made to give each employee the opportunity to use annual leave earned" (Article 14.6). There is a contractual right to use of this benefit and "every effort" is a high standard. In other words, the supervisor must explore all possible options before denying a request for annual leave. However, that does not mean that employees are entitled to receive automatic approval for whatever they request. Supervisors retain the right to deny requests for annual leave when operational needs are such that there would be an adverse impact on the delivery of services and no reasonable accommodation can be made. Denial of a leave request should be a last resort when there is no way to accommodate the request. Possible types of accommodation can include, but are not limited to: voluntary schedule switches between employees, temporary reassignment of duties, schedule flexing, overtime backfill, etc.

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Depending on circumstances in individual Departments, not all solutions will be considered reasonable. For example, due to fiscal restraints, it may not be possible to backfill with overtime to allow an employee to take leave. In this instance that would be an unreasonable accommodation. Departmental policy should be consulted before making any determination concerning the approval or denial of leave. Requests for use of annual leave must be approved or denied within 5 business day of receipt of the request. Questions concerning the appropriateness of denying leave should be referred to your Labor Relations Specialist.

Vacation Picks

Certain Departments and job classifications utilize a shift pick process. In conjunction with this process, a vacation pick process often exists. When such a policy exists, a calendar is circulated, allowing employees to reserve a specified number of vacation weeks throughout the year on the basis of seniority. These policies can assist managers in planning coverage well in advance and help to promote the equitable distribution of leave among all employees within a unit. In Departments/Divisions where no vacation pick policy/procedure exists, OHR Labor Relations must be contacted prior to the implementation of such a policy due to the fact that vacation picks affecting MCGEO represented employees must be negotiated.

Use of Annual Leave in Conjunction With Other Benefits

Annual Leave can be used in conjunction with a variety of other types of leave. For example:

- Family and Medical Leave (FMLA) – If an employee has an approved FMLA qualifying medical condition, Annual Leave may be used for any time taken off in connection with the approved condition.
- Bereavement Leave – An employee who has been approved for Bereavement Leave under Article 19.1(f) may request to use annual leave in addition to the bereavement leave. Such requests shall not be unreasonably denied.
- Sick Leave – In the event that an employee has an illness, but has run out of sick leave, annual leave may be used instead.

Issues with Administration of Annual Leave

Every situation is unique. Supervisors who have questions concerning the application of policies and procedures surrounding Annual Leave should contact their Labor Relations Specialist for assistance.

(Management Guidance Bulletins represent OHR's interpretation of collective bargaining agreement language. They do not necessarily represent labor-management agreement and are intended to provide guidance to those who administer the contracts.)