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Deputy Secretary

TO: Human Resources Directors in the State Personnel Management System

FROM: Cynthia A. Kollner 
Executive Director, Office of Personnel Services and Benefits

DATE: January 7, 2021

RE: Adjustment to Compensatory Time Expiration and Forfeiture Rules for Certain Leaves

The Novel Coronavirus 2019 (COVID-19) presented challenges in 2020 and the difficulties we have faced are not yet behind us. While Maryland fared much better than some states, we were called upon to rapidly shift operations to virtual operations and find ways to perform onsite services in a safe manner, all while addressing the needs of our most important asset, our State employees.

We recognize that employees often worked additional hours to cover shifts for employees who were ill or caring for someone who was ill, and generally were unable to use leave as they normally would be because of the pandemic. Recognizing this, I am pleased to inform you that retroactive to January 1, 2020, the expiration date for compensatory time for FLSA-exempt employees will be extended from one year from the date the compensatory time is earned to two years.

Additionally, beginning in calendar year (CY) 2021, certain compensatory time and annual leave that otherwise would have been lost will be made available to employees. We are calling this category of leave "Pandemic Carryover." This category will include:

- All compensatory time earned in CY 2019 and lost in CY 2020;
- All compensatory time earned in CY 2020 and not used;
- Any additional compensatory time earned beginning in CY 2021 and not used through the end of the pay period 6 months beyond the end of the emergency period; and
- All annual leave forfeited at the end of CY 2020 and at the end of each calendar year thereafter until the end of the pay period 6 months beyond the end of the emergency period.

Leave in this category will not expire but is not subject to cash out. This leave may be used for any reason and at any time after obtaining approval from the employee's supervisor. Compensatory time earned in lieu of cash overtime will not be eligible to be placed in the Pandemic Carryover category since it does not expire.

Employees who are eligible for this category of leave will be able to view it in the Time Off worklet under the title, "Pandemic Carryover." Employees should not expect to see annual leave that will carryover until January 13, 2021 since it is not subject to forfeiture until that date, but this category may populate sooner with compensatory time that otherwise would expire.

cc: David R. Brinkley, Secretary, Department of Budget and Management (DBM)
Marc Nicole, Deputy Secretary, DBM