



JUDICIAL BRANCH POLICY

2020 ANNUAL LEAVE AND COMPENSATORY TIME

To address employee concerns about losing their regular and carry-over annual leave and compensatory time in 2020 due to the Governor’s State of Emergency, which included a Stay-at-Home Order with travel restrictions, the Judicial Branch is adopting the following policy for Judicial Branch employees 2020 Annual Leave and Compensatory time. This policy is temporary and subject to revision at any time. It does not confer any new or additional rights to leave and compensatory time.

1. Under *Judicial Branch Personnel Rules 5.2.4*, Employees may not carry-over into a new calendar year more than 318 hours of annual leave (“AL”).
2. **Approved 2019 annual leave carry-over** – Employees who received AL carry-over approvals in calendar year 2019 through June 30, 2020 will be granted an extension to use the 2019 carry-over through December 31, 2020. Employees who separate from employment between July 1, 2020 and December 31, 2020, will not be eligible for payment of the 2019 carry-over leave.
3. **2020 annual leave carry-over approval** – Employees may submit and be approved for AL carry-over from 2020 into 2021. This request may be submitted earlier than December 2020.
4. The maximum AL amount that may be approved for carry-over from 2020 into 2021 is 120 hours. This maximum does not include employees who were unable to use AL due to approved Workers’ Compensation, Short-Term Disability, Family Medical Leave Act.
5. Employees approved for AL carry-over for calendar year 2020 will be required to utilize any balance in excess of 318 hours of AL no later than June 30, 2021 or will forfeit said balance.

Example: John Smith was approved on December 26, 2020 to carry-over 32 hours of accrued annual leave and had a total of 350 hours of annual leave starting January 1, 2021. John Smith must use up the extra 32 hours of 2020 carry-over leave before June 30, 2021 or he will lose the 32 hours of leave.
6. Approvals for AL carry-over for calendar year 2020 will not be counted as a consecutive year for any leave carry-over request submitted for calendar year 2021.
7. Employees who separate from employment between January 1, 2021 and June 30, 2021, will forfeit any approved AL carry-over and will not be eligible for payment of approved AL carryover at that time.
8. Extend the deadline for Fair Labor Standards Act (“FLSA”)-exempt employees to use accumulated comp time from 180 calendar days to one year (365 calendar days) from the date of accrual for time accrued on or after January 1, 2020 through December 31, 2020. Comp time for FLSA-exempt employees is straight time earned over their standard work schedule.



9. FLSA regulations will continue to be followed for FLSA-covered employees, whose compensatory time cannot be forfeited.
10. A Judicial Branch employee's transfer from the Judicial Branch to another State branch of government or State entity may affect whether the AL carry-over balances are fully accepted.
11. The Judicial Branch will honor approved AL carry-over balances from state employees transferring from another State branch of government or State entity into the Judicial Branch. The AL carryover balances must be used in keeping with these guidelines or else be forfeited.
12. Each Court/non-Judicial Branch agency continues to be responsible for keeping track of their employees' time.

Adopted: October 1, 2020