

# NEW CASTLE COUNTY

## PERSONNEL POLICY

**NUMBER** 3.16

**PAGE** 1 of 2

**DATE** 03/27/13

**SUBJECT:** COMPENSATORY LEAVE  
– EARNING AND USAGE

**APPROVED:**

*Valencia D. Seay, esq.*

**OBJECTIVE:** To provide clarification for the accumulation, earning, and use of compensatory (COMP) time. COMP time earned in accordance with any existing collective bargaining agreement shall follow the provisions of that agreement.

**STATEMENT:** COMP time may be earned by full-time employees in lieu of monetary payment for overtime hours worked for performing job duties that fall within the normal scope and responsibility of the employee's position. COMP time is only available to those employees who are not precluded from earning COMP time as a result of a collective bargaining agreement, i.e., Local 3109 (with the exception of the language relating to holidays and special projects) and the Fraternal Order of Police or merit system provisions (Police executives).

**Procedure:**

1. The ability to earn COMP time for those employees eligible to earn COMP time shall be authorized by the department general manager or row officer in advance of the work being performed.
2. Those employees who are "Exempt" or "Not Covered" by the Fair Labor Standards Act (FLSA) may earn COMP time with the prior approval of the employee's immediate supervisor and the department general manager or row officer. The employee must stay within the earning limits of this policy. COMP time for General Managers and members of the County Executive's Senior staff must be approved in advance by the Chief Administrative Officer (CAO). COMP time for the CAO must be approved by the County Executive. Where permissible, the CAO, row officer, or department general manager may permit work hours to be adjusted within the pay period to alleviate the need for the excess crediting of COMP time.
3. COMP time shall be earned on an hour-for-hour basis, crediting one hour of COMP time for each additional hour worked. For employees who are classified as nonexempt under the FLSA, hours in excess of 40 shall be earned at time and one-half (1½); for employees classified as exempt under the FLSA, hours in excess of 40 shall be earned at straight time.

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*Valencia D. Seifert*

4. It is the responsibility of the department general manager or row officer to monitor all hours earned and subsequent hours used to assure that it has been earned as a result of a valid business need.
5. Unless written approval is obtained from the CAO, a maximum balance of fifteen (15) days of compensatory leave may be carried at any given time. If an exception to the 15-day limit is granted, there is a maximum allowable balance of 240 COMP hours (480 hours for public safety and emergency response personnel) under the FLSA, after which the employee shall be paid for the hours worked.
6. If any balance of COMP time remains as of December 31 of the current calendar year, it must be taken as time off during the next calendar year or it may be forfeited.
7. Requests to utilize available COMP time must be made by using the same authorization process for vacation and are subject to the approval of the department general manager or row officer.
8. COMP time shall not be transferable to sick leave or vacation hours.
9. Unused COMP time earned prior to an employee's separation from the County shall be paid to the employee if it is not feasible for the employee to utilize the hours before leaving the County.

**REQUIRED ACTION:** Department general managers and row officers shall be responsible for the implementation of and compliance with this policy and shall review balances on a monthly basis to assure compliance with this policy. Timekeepers shall be responsible for maintaining complete and accurate COMP time records for employees and reconciling employee balances with those in the payroll system. These records shall indicate when the COMP time was earned, how much time was earned, the circumstances warranting the additional hours worked, and the total number of hours used.

Established: 06/1973 (AP-17)  
Revised: 02/14/05  
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Revised: 03/27/13