

ANNUAL LEAVE CARRYOVER REQUEST OPERATING PROCEDURE (OP)

DHR-STW-OP #: DHR-STW-401.2	Authority: 29 Del. C. § 9003D; Merit Rule 5.2.4
Effective Date: October 23, 2024	Revision Date: November 12, 2024
Supersedes: Annual Leave Carryover Guidelines 10/15/2020	Signature: N/A
Application: Leave-Eligible Employees of the Executive Branch	

1. Eligibility/Application

Eligible employees may request additional carry over of annual leave into the following calendar year over the maximum allowable amount of 318 hours or 336 hours depending on the employee's standard work schedule.

This procedure is for Agency Department of Human Resources (DHR) representatives who receive annual leave carryover exception requests and outlines procedures related to the process of requesting and approving annual leave carryover exceptions.

2. Definitions and Acronyms

DHR Lead – the DHR representative at an agency assigned to the leadership role for that Agency's HR function who is proficient in DHR policies, procedures, and practices and their state agency's business operations, mission, goals, and objectives.

DHR Representative – the DHR representative at an agency assigned to handle Leave and/or Timekeeping and who is proficient in DHR policies, procedures, and practices as it relates to leave, timekeeping, and other related matters.

eSTAR Accrual Report – A report used by eSTAR organizations that contains the amount of earned time off available to an employee for a specified date range.

Time and Labor (T & L) Vacation Use or Lose Report – A report used by T&L organizations that identifies employees projected to have annual leave balances in excess of the maximum carryover.

3. Policy/Regulation

- a. In accordance with Merit Rule 5.2.4, annual leave credit carried into a new calendar year may not exceed 318 hours (37.5-hour schedule) or 336 hours (40-hour schedule). An eligible employee may submit a request to the agency DHR Lead for an additional carry over of annual leave over the maximum allowable amount of 318 hours or 336 hours, depending on the employee's standard work schedule.
- b. Based on the provisions of the Annual Leave Carryover Operating Procedures, the agency DHR Lead may approve an employee's Annual Leave Carryover Request of up to 75 hours

for employees on a standard work schedule of 37.5 hours or 80 hours for employees on a standard work schedule of 40 hours, prorated for eligible part-time employees, beyond the allowable 318 or 336 hours.

- The 75 or 80 hours maximum does not apply to employees who were unable to use Annual Leave due to approved Workers' Compensation (WC), Short-Term Disability (STD), or Family and Medical Leave Act (FMLA).
- c. The agency DHR representative must run the eSTAR Accrual Report or the T & L Vacation Use or Lose Report in **October** of each calendar year to determine which employees are in a use or lose situation. The above notwithstanding, employees shall have the responsibility to manage their workload and utilize their annual leave throughout the year. Employees must plan to use and receive approval to use their annual leave before the end of the calendar year.
- d. Request(s) made for two (2) consecutive years by the same employee shall not be approved.
- e. When submitting an annual leave carryover request, the December accrual rate **should not** be included in the total requested hours and will be applied according to the schedule outlined in the Time and Labor and eSTAR systems.
- f. Should the Governor declare 12/24 or 12/26 a holiday creating a leave excess of 7.5 hours (for a 37.5-hour schedule) or 8.0 hours (for a 40-hour schedule), employees do not have to submit an Annual Leave Carryover Request Form. In this instance, 7.5 or 8.0 hours will be considered an automatic approval.
- g. DHR Leads may consider late annual leave carryover requests from employees who work in state facilities that operate 24/7, or other end of year holiday-related situations where employees were mandated to work last minute and use their discretion to approve.
- h. Approved annual leave carryover hours beyond the 318 or 336 hours must be utilized before the end of each fiscal year, **by June 30th**, or the remaining balance will be forfeited.
- i. Upon termination of state service, employees shall be compensated for unused annual leave consistent with the current Merit Rules.
- j. Merit employee transfers between Executive Branches and non-Executive Branch agencies or other State entities may affect whether leave balances are fully accepted.

4. Operating Procedures

- a. An eligible employee who will have an ALT balance over the maximums of 318 or 336 hours, may complete an [Annual Leave Carryover Request Form](#) and submit the form to their agency DHR representative by **November 30th** of the current calendar year for review.

b. All requests for Annual Leave Carryover shall:

- Be submitted by **November 30th** of the current calendar year.
- State a **detailed reason** the annual leave could not be used prior to the start of the new calendar year;
- State a **detailed plan** for using the carryover amount before the end of each fiscal year, **by June 30th**, prior to the start of the next fiscal year; and
- Be signed by the employee's supervisor/manager.

c. The agency DHR Lead will review the request and its justification and decide on the approval and communicate the results of the request before the end of the calendar year, based on the provisions outlined in this operating procedure.

d. The approved annual leave carryover request will be entered by the designated agency DHR representative in their timekeeping system by **January 31st** of the new calendar year and filed in the employee's personnel records.

- If an agency has at least 50 employees approved for annual leave carryover exception, they may seek the assistance of the DHR Division of Talent Management, Employee Engagement section by sending an [Agency Approved Annual Leave Carryover Request Spreadsheet](#) to Employee-Engagement@delaware.gov by **the first Monday of January** of the new calendar year. This list must include:
 - Department ID;
 - Employee ID;
 - Employee Name; and
 - the approved annual leave carryover amount.
 - If the requested and approved amount is above 75 or 80 hours maximum, the agency DHR representative must note that the employee was not able to use their annual leave due to being out on WC, FMLA, STD, or other related situations.
- Employee Engagement will coordinate with PHRST to perform a mass update for agencies with at least 50 or more employees approved for annual leave carryover exception, **if received by the deadline noted above.**

5. Exclusions or Exceptions

- Employees covered under 29 Del. C. § 5903(17)a. are not eligible to accrue annual leave and are therefore not eligible to carry over annual leave.
- The Department of Education (DOE) is responsible for the development of policies in compliance with the Federal Code, applicable State Code, and Title 14 of the Delaware Code, and applicable regulations.
- The Delaware State Housing Authority (DSHA) is responsible for the development of policies in compliance with Federal Code, applicable State Code, and 29 Del. §86 and authority in 31 Del. C. § 4013.

6. Dissemination and Training

- Employees are to acknowledge their review of this Operating Procedures within 30 days of receiving the request from the Delaware Learning Center.
- DHR Leads will review this Operating Procedures with any employee that do not receive DLC messages.

7. Data Reporting

- All agencies are required to keep a record of employees approved to carry over leave beyond the maximum allowable amount of 318 or 336 hours each year. Requests for approved annual leave carryover shall be filed in the appropriate section of an employee's personnel records.
- All agencies are required to submit a list of their employees approved to carryover beyond the maximum allowable amount of 318 or 336 hours each year to the Division of Talent Management, Employee Engagement section at Employee-Engagement@delaware.gov.

8. Associated Policy/Regulation/Information

- N/A

9. Appendices and Forms Associated with this Operating Procedure

- [Agency Approved Annual Leave Carryover Request Spreadsheet](#)
- [Annual Leave Carryover Exception Request Form](#)

10. Policy Owner

- Division Name: Division of Talent Management
- Policy Owner: Employee Engagement Administrator
- Website: [DHR - Employee Engagement \(delaware.gov\)](#)