

**Open Work Session
Annual Leave Buyback Program
August 17, 2021**

Mrs. Pam Oland, Director of Finance, and Ms. Jaci Curry, Director of Human Resources, came before Council. Mrs. Oland said, during the budget process, she mentioned they added some dollar amounts to the budget and asked Council to give a consensus that they wanted this money to stay in a budget. She said the concept is, when someone has longevity with the County, a lot of times they also have supervisory experience and it makes it hard to take the amount of leave the County offers. She said they did an informal poll of the employees, so nothing is binding on them at this point in time. She said part of the reason they are bringing this forward now is they would like to implement it before December 31 of this calendar year so that any employee who meets the criteria will be allowed to have the County buy back the number of days of the category they fall in. She said that way, instead of losing those days from their vacation bank, they could actually get paid out. She said, in years going forward they will require in February that employees give them the maximum amount they are interested in having the County buy back, which allows them to put that money in the budget for the next fiscal year. She said, come the next fiscal year, they would have one more opportunity if they have said they want something bought back, but if they waived it in February, they have waived it. She said, if someone said they might be interested for a payout in December, at that point in time they would poll the employee who would sign a form saying how many days they would like paid out, and it would be paid out before the end of the calendar year, assuming the employee still has those days in their bank. She said that will allow the employee to not lose the time and get paid out because, the way the current handbook is written, if they are not below the magic number as of December 31, they lose those hours. She said this would help employees get under that number if they would like a payout. She said they are coming to Council asking for the Legislation to be passed outside of another whole look at the personnel manual, but add this language now so they could implement it for this fall and allow employees to be paid out.

Ms. Curry said this would include a number of County employees. She said about 107 employees are in the range of 9 to 16 years and about 156 employees are in the 17+ year category, so they have a lot of longevity within the County. She said there is someone in her Department who struggles to get her time in during the year so as not have to lose any of that time, so this will impact quite a few employees.

Mr. Dodd asked if they have talked to employees who want to do the buyback, to which Mrs. Oland responded, yes. She clarified, before they brought this to Council in the budget, they took an informal survey and asked if people would be interested, and there was a lot of positive response to that request. She said, again, this will allow people to make a decision as to whether or not they would like the time bought back or if they would like to schedule time to take off. She said she is one of those people who has been here a long time and it becomes harder and harder each year to take the number of hours she is given, and she is perfectly honest about that. She explained, when someone is here longer, a lot of times they have supervisor experience or longevity, and they are relied upon in their Department and it becomes hard to take the number of days. She clarified, this benefit is one they would like to maintain and not change, but they would like to offer an additional way for people to utilize that benefit.

Mr. McCain commended Mrs. Oland and Ms. Curry and said he thinks he likes this, but can Mrs. Oland walk him through an example, maybe using herself, as someone who has those years. Mrs. Oland said she will have been with the County for nine years and falls in the category that allows her to have the

County purchase four days, which would take her back down to the accrual level from when it might have been a little easier for her to take a little more time. She said, coming up this calendar year, there is a possibility that she could lose time if she does not take some time off between now and December 31. Mr. McCain said, by losing time, she is losing pay, to which Mrs. Oland responded, yes. Mr. McCain clarified, he just wanted to make sure they said that those two things are correlated. Mrs. Oland said the County has offered her a benefit of a number of days, but she is not able to utilize that full benefit, and she will then lose that pay. She said this would allow her, and allow over 200 other County employees, to make a personal decision as to whether or not they want to take the time or they would like some additional funding to avoid having the time taken out of their bank with no compensation for it.

Mr. Cannon asked, when Mrs. Oland says she is losing pay, does she mean she is losing vacation pay, to which Mrs. Oland responded, correct. Mr. Cannon said he has always been somewhat of a proponent of use it or lose it because he has had to live through it in the private industry, but he is going to keep an open mind with this. He then asked, when Mrs. Oland is suggesting the amount of hours, he assumes it is the amount of hours over the 360, to which Mrs. Oland responded, correct. Mr. Cannon said it looks to him like, if they are within nine years, the payback is about a 25-cent-on-the-dollar reimbursement, to which Mrs. Oland responded, no, they would get the option to have four days paid back. Mr. Cannon said, but they have accrued 16 days, to which Mrs. Oland responded, correct. Mr. Cannon said that is kind of like 25 cents on the dollar, to which Mrs. Oland responded, it is 25 percent of the days they have accrued. Mr. Cannon said it looks like if an employee has 17 years or more it is more like 50 percent, to which Mrs. Oland responded, again, they came up with the concept to take the person back to the accrual rate before nine years so they would have the option to have the difference of the old accrual rate at eight years paid out. She said currently she gets 16 days a year, and this would take her back to the accrual rate of 12 days because she would get those four days paid out to her if she chooses that.

Mr. McCain said he is assuming they are following a model or example, to which Mrs. Oland responded, the concept is from someone else prior. She said they took the very specific situation of their County and their accrual rates and discussed it with the Executive and the Legal Department, and these are the parameters they came up with that they felt were appropriate for their current model.

Mr. Hastings said he is happy to see this and support this, but he also wants to emphasize that they want to have enough staff capacity that people feel like they can take time off and not have to worry, as the mental health piece of this is actually really important. He said Robin Williams' son made a post the other day, which was the anniversary of his suicide, but he was pointing back to this kind of situation where there are individuals who are overworked, so the mental health capacity is always so important. He said they need to make that sure folks feel like they have the ability to take time off and that they have the capacity around them to handle the workload.

Ms. Curry said that is why, if they elect to do this at the beginning of the year, they are not committed to anything and can choose less towards the end of the year or none, they just cannot increase it after their February election. Mrs. Oland clarified, the reason is that they will be setting the budgeted amount in the next fiscal year budget, so they would not have any additional funding available to increase it.

Mr. Holloway asked, what is the maximum amount of vacation time anybody can get in Wicomico County, to which Ms. Curry responded, 20 days is the maximum. Mr. Holloway said they also get personal days and sick days. He then asked what other leave benefits they get, to which Ms. Curry

responded, holidays. Mr. Holloway asked how many personal days, to which Ms. Curry responded, two per year, and sick days are one day per full month worked, so 12 per year.

Mr. Dodd asked if they have sample Legislation, to which Mrs. Oland responded, the Legislation would be pretty simple, and is in Council's packet in Section 1505-F. She said that would be the actual language they would like inserted. She said the Legislation itself would show the attachment and say it will be added to the personnel manual. She clarified, the actual language has been presented to Council.

Mrs. Hurley said, just so it is clear, they are looking to have Legislation approved now. She then asked if this will go into effect in fiscal year 2023, to which Mrs. Oland responded, no, they would give everybody the opportunity for fiscal year 2022 to implement it. She said, again, they put money in the budget to fund this concept, and that was the discussion they had with Council back in May, and she mentioned that she would be coming back to Council with actual Legislation, and this is the start of that process.

Mrs. Hurley asked if it would apply for this calendar year, to which Mrs. Oland responded, they would pay it out in this calendar year. Mrs. Hurley asked if they would pay it out in December, to which Mrs. Oland responded, yes. She explained, they would need Council to pass this so it will be eligible, and then they would make the payment no later than the last pay date in calendar year 2021. She said they need to have it paid out before the end of the calendar year or the language in the personnel manual about the hours being swept off the books takes over because, on December 31, if they are not under the 360-hour number, it gets wiped off the books.

Mr. McCain asked how they will do this in 2021 when employees were not given the choice, to which Mrs. Oland responded, she did an informal poll, so for this year they would allow people to make the selection by filling out a form, and she feels comfortable that there is enough in the budget. She said, again, because it is a new concept, she believes there is enough in the budget with what they put in to be able to pay this out in this fiscal year by December 31 with the numbers they have. She said, again, if they do not implement this and pay this out in December, the money will not be there because it would be the next fiscal year when they would do the next payout because the payout will be in December.

Mrs. Hurley said her only concern is the timing of the effective date of the Bill because she thinks they are cutting it really close. She said Mr. Wilber can correct her if she is wrong, but they are looking at introduction at the next meeting, and they still have to go through the Public Hearing process. Mrs. Oland responded, this would be attached to the personnel manual. She then asked if that is a Legislative Bill or a Resolution, to which Mrs. Hurley responded, it is a Legislative Bill.

Mr. Wilber, County Attorney, then came before Council and said it is going to be a tight timeframe. Mrs. Oland said, if they introduce it at the next meeting on September 7 and then allow for two weeks of advertising, that would be October 5. She said then they would have 60 days after that, which would take them to December, so they would still have time in December to make the payments. Mrs. Hurley said it is close, though, to which Mrs. Oland responded, it is close, but it is kind of like when she introduced the bond Legislation at the last meeting, so the timeline has to be followed to be able to meet all of their deadlines. She clarified, this deadline is available and eligible to be met.

Mr. Dodd said he knows this is going to help some employees who are struggling, but what is the benefit to the County, to which Mrs. Oland responded, employee satisfaction. Mr. McCain added, it also adds a little bit of productivity where people are there, and he will use Mrs. Oland as an example again. He clarified, she feels she is needed from a supervisory standpoint, and she actually stays and performs

those duties as opposed to saying she is going to lose these days so she is just going to take off, and then they have a productivity issue or something that cannot get resolved, so there is a productivity side to this. Mr. Dodd said that is a good point.

Ms. Curry said, by paying this out in December, it also would give people some extra holiday money, to which Mr. Dodd responded, that is what he was thinking.

Mr. Dodd asked if they have ever done a study to find out how much time employees have lost on the use it or lose it program, to which Mrs. Oland responded, they have not done that, and she cannot promise, but she can attempt to see if they have that information. She said she feels it is appropriate to make a policy that is then consistently applied and stated for all employees. Mr. Dodd said he hates seeing employees lose something that they really earned.

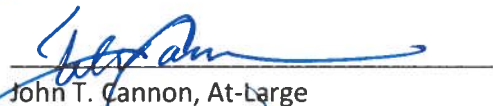
Mr. Dodd asked if there is a consensus to move forward with this, to which there was.

Mr. Dodd asked Mrs. Hurley if this will be on the agenda for the next meeting, to which Mrs. Hurley responded, it will be on for introduction on September 7, 2021.

There was no further discussion.


Larry W. Dodd, President, District 3


Joe Holloway, Vice President, District 5


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William R. McCain, At-Large


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