



Document When Required to Use CTO in Lieu of VC



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As expected, some of the changes made in our newly ratified Memorandum of Understanding (MOU) (2011-2014) require clarification to ensure that they are properly implemented. One of those changes can be found in MOU Article 7.1 (Vacations and Vacation Pay) and involves when you are required to use compensatory time off (CTO) in lieu of vacation time during your scheduled vacation.

Since the implementation of a CTO cap in our previous MOU (2009-2011), some commanding officers have instructed employees to use CTO during their vacations in an effort to reduce their CTO balances. Previously, the CTO cap was 400 hours, and currently it is 800 hours. At 600 hours, a commanding officer can force an employee to use CTO time with 24 hours notice to keep an employee from reaching the 800-hour cap. While this helps to manage your CTO balance in the short term, over time your vacation balance creeps up to the two-year accrual cap outlined in Article 7.1. According to Article 7.1, you may defer vacation and accumulate unused vacation time equal to two years of vacation credit. For example, when you reach two years of service, you can accumulate 256 hours of vacation time (2 x 128 hours accrued annually); when you reach 10 years of service, you can accumulate 384 hours of vacation time (2 x 192 hours accrued annually); and when you reach 30 years of service, you can accumulate 400 hours of vacation time (2 x 200 hours accrued annually). On January 1 of each year, when your vacation bank is credited with your new amount, the excess vacation hours are lost and deposited into the catastrophic illness/injury time bank if your vacation balance exceeds 256 hours for employees with two to nine years of service, 384 hours for employees with 10 to 29 years of service or 400 hours for employees with 30 or more years of service.

The change in our newly ratified MOU provides that when you are required to use CTO instead of vacation time for your pre-scheduled vacation, you shall be allowed to accumulate and not lose those vacation hours over the two-year limit. For example, if you are required to use three CTO days instead of three vacation days during your scheduled vacation, and you are on a 3/12 schedule and have five years on the job, the Department will allow you to accumulate 36 hours of vacation time (12 x 3) beyond your two-year maximum accrual of 256 vacation hours. Remember, your maximum accrual may be different, as it depends on your years of service and changes at two, 10 and 30 years of service. But in this example, if you have five years on the job, your maximum vacation accrual is 256 hours and you will be allowed to accumulate 292 hours of vacation time (256 + 36) for the year and will not lose any vacation hours below 292. The MOU also states that the Department will allow you to use the vacation hours accumulated over the two-year limit, in this example 36 hours, as soon as practicable if it does not impact the Department's ability to maintain adequate deployment. The MOU also states that the Department shall ensure that an employee's total accumulated vacation hours will not exceed three years of vacation credit when an employee is required to use CTO instead of vacation time for a scheduled vacation. So if you have five years on the job and were required to use CTO in lieu of vacation days during your scheduled vacation, you could not accrue more than 384 hours of vacation time (128 x 3).

What can you do to protect your vacation time if you find yourself in this situation during the term of this MOU? If you are required to use CTO in lieu of vacation time during your scheduled vacation, document the facts on a 15.7 to your commanding officer. Include information such as the number of vacation days substituted with CTOs, the actual dates the CTOs were used and the names and directions of people involved. Also, attach any supporting documents such as the posted vacation schedule, any approved changes to your scheduled vacation, emails, the posted days-off schedule for the deployment period you took your vacation and any other materials that support your usage of CTO in lieu of vacation time during your scheduled vacation. Also, keep a copy of the 15.7 with a date stamp acknowledging that it was received by your commanding officer. This way, if you lose any vacation time when you are required to use CTO during your scheduled vacation, you will have all of the material to support your claim to restore the vacation time.

Remember, the two-year limit on vacation accrual has not been extended to three years for everyone. Pursuant to Article 7.1, you will only be allowed to accrue more than the two-year limit if you were required to use CTO in lieu of vacation during your scheduled vacation. You will only be allowed to accrue those vacation hours that were used in lieu of CTO, and if you meet these criteria, your total accumulated

vacation hours cannot exceed three years.

As always, feel free to reach me in the office at (213) 251-4588, on my cell at (562) 397-4585 or email me at julianmelendez@lappl.org if you think I can help you with an issue or problem. ❖