

## MTO Closure Questions & Answers

- Q 1. If a part time employee regularly works more than their FTE can they use vacation and comp during the MTO Holiday Closure to bring their pay up to their normal pay check amount?
- A. Yes, if approved by their supervisor, they may use accrued vacation and compensation.
- Q 2. Can an extra help employee work during the MTO Holiday Closure?
- A. On page two of the 2009 Mandatory Time Off (MTO) – Holiday Closure Program, under department conditions, the use of extra help is discussed. The Program states that there shall be no backfilling of furloughed employees by utilizing Extra Help.
- Q 3. Most payroll staff will be working during MTO Holiday Closure. Some departments have extra help payroll staff that work during payroll processing week; can they work during the MTO Holiday Closure?
- A. If an extra help employee is scheduled on a regular basis and their services are required to complete regular work then they may be utilized during the closure (i.e. mandatory services, 24/7 operations)
- If a department has extra help employees that work on a regular basis, can they work during the MTO Holiday Closure?
- A. See above
- If a department has extra help employees that work on a regular basis, can they work *instead* of a permanent employee during the MTO Holiday Closure?
- A. This would be considered backfilling and is prohibited by the program policy adopted by the Board.
- Q 4. Some employees with an alternative work schedule (such as 4-10's) will end up with a 50 hour work period during the MTO Holiday Closure. How should these employees be handled?
- Are they required to use their leave hours for the extra 10 hours?
- A. Yes, MTO is like any other leave, 40 hours is available for use. If the department is closed on one of their additional work days they would need to use accrued vacation or compensatory time off to fill the rest of their regular schedule.
- Are they required to work a 10-hour day?
- A. Employee schedules are determined at the department level. If they have agreed or been assigned to work a 10-hour day then that is the expectation.
- Are they required to change to a 5-8 work schedule during this period?
- A. No.
- Please note:** a 9-80 non-exempt employee changing to a 5-8 work schedule will create overtime.

- Due to the holiday falling on a regular day off can the employee opt for holiday compensation or holiday pay for the holiday? (They would be paid 88 hours that pay period)
- A. Yes, the MOU rules apply to holiday compensation. See employee's applicable MOU for details.
- Q 5. In regard to an employee's ability to buy back vacation time or cash out compensation time, where should the letter of 'intent to retire prior to the end of the fiscal year' be sent?
- A. The employee's department should receive the original and a scanned or faxed copy should be sent to ACTTC Payroll division and the Retirement office.
- Q 6. Local 39's MOU has a section concerning the employees 4-hour eve holiday, how should the holiday hours be recorded on the timesheet? Local 39 MOU Section 18.7 states:
- Christmas Eve/New Year's Eve: With the approval of the department head, a full-time employee may choose to be off duty with pay the last four hours of the employee's work shift on one of the following days: Christmas Eve (December 24) or New Year's Eve (December 31). If the department head determines the employee is not permitted to be off, the employee shall be credited with four hours of compensatory time. Part-time employees shall be entitled to pro-rata benefit.
- A. Local 39 employees would be given 4 hours of holiday for either the 24th or the 31st depending on the day they choose to receive the benefit in MOU Section 18.7. They would not be required to use 4 MTO hours on one of these closure dates. They would be required to take the 4 MTO hours at a later date.
- Q 7. If an employee is scheduled to work during the MTO Holiday Closure, but prior to the closure uses enough MTO Taken hours to create a negative MTO Total Available balance, then subsequently goes out on LWOP without returning to work, how does the department recover the funds?
- A. If an employee does not have any leave balances to reduce by the negative amount, a Promissory Note should be provided to the employee to repay the County for the difference of the MTO Taken amount to the MTO Accumulated amount.
- Q 8. If an employee is off work during the MTO Holiday Closure then goes on a LWOP without returning to work how does the department recover the funds?
- A. See Question 7.
- Q 9. Will there be a form letter for departments to give to new hires or change in status employees explaining MTO?
- A. No, please provide new hires or change in status employees with a copy of the 2009 Mandatory Time Off (MTO) – Holiday Closure Program. This document can be found in the Payroll Clerk's drive or on the intranet via the following link; [http://www.sonoma-county.org/hr/pdf/mto\\_program.pdf](http://www.sonoma-county.org/hr/pdf/mto_program.pdf)
- Q 10. If an employee is off work due to Leave Without Pay (LWOP)...
- ...before the MTO Holiday Closure, are they required to exhaust their MTO Accumulated hours prior to using LWOP?
- A. Yes, assuming the department will be open during the holiday closure. No, assuming the department will be closed during the closure period.

- ...before the MTO Holiday Closure and the employee returns to work, and has or has not accrued any MTO Accumulated hours, should the MTO deduction resume, or be set up?
- A. Yes, they will be required to either resume or begin MTO deductions at an accelerated rate, on a pro-rated basis. The MTO calculator can assist with this calculation.
- ...after the MTO Holiday Closure and the employee returns to work, should the MTO deduction resume or be set up?
- A. No. Employees on LWOP during the entire closure will not be required to have MTO deductions taken upon their return to work.

Q 11. If an employee is off work due Workers' Compensation...

- ...before the MTO Holiday Closure, are they required to exhaust their MTO Accumulated hours prior to using LWOP?
- A. No. They would use their MTO Accumulated hours after they return to work and prior to the end of the fiscal year.
- ...before the MTO Holiday Closure and returns to work, and has or has not accrued any MTO Accumulated hours, should the MTO deduction resume, or be set up?
- A. Yes, they will be required to either resume or begin MTO deductions at an accelerated rate, on a pro-rated basis. The MTO calculator can assist with this calculation.
- ...after the MTO Holiday Closure the employee returns to work, should the MTO deduction resume or be set up?
- A. No. MTO provisions do not apply to employees on Workers' Compensation leave during the MTO Holiday Closure. However, if an employee received temporary disability payments during the MTO Holiday Closure due to an industrial injury or illness, they can use any accrued MTO Accumulated hours prior to the end of the fiscal year.

Q 12. If no deduction is set up, what happens when the department is closed and the employee does not have MTO Accumulated hours and/or does not have any paid leave hours? How will the employee be notified that they potentially will have no earnings during the MTO Holiday Closure?

- A. A permanent active employee should have access to MTO Accumulated hours during the department's Holiday Closure period. For LWOP employees see Question 10. Genies have been created to monitor the accumulation of MTO. There are also reports on R2W in your department payroll folders that should be balanced on a bi-weekly basis for all employee exceptions. Please contact the ACTTC Payroll division if you have a specific example or question regarding an employee's accumulation.

Q 13. Can VTO be used by an employee during the MTO Holiday Closure? If VTO can be used, are there restrictions?

- A. VTO is voluntary and is subject to the discretion of the department, but generally yes.

- Q 14. Should the deduction for MTO be taken for someone on Admin Leave?
- A. Yes
- Q 15. If an employee is hired at the end of the MTO period and required to attend training for that entire time and can not take any MTO time off prior to the end of the fiscal year, should they be exempt from the MTO obligation?
- A. No, this is covered in the MTO Program. See page 3 “New Employees Hired After Holiday Closure.” Any unused MTO Accumulated hours shall be converted to compensatory non-statutory time off after the end of the fiscal year, for pay date July 21, 2010.
- Q 16. In what increments can MTO be used? i.e., 1/2 hour, full hour, full days?
- A. MTO can be taken in increments of a tenth of an hour up to a full day’s schedule with the approval of the employee’s supervisor.
- Q 17. Will sick leave conversion be available this year? If not, will the employees have other options such as converting sick leave to comp/vacation?
- A. Sick leave conversion remains unchanged and will be available next year. Cashing out of compensatory and vacation time is frozen. An employee can bring their comp balance to the maximum amount allowed at the time of the conversion or receive cash for their sick leave per the MOU & Salary Resolution they are governed by.