



State of Delaware Department of Human Resources

ANNUAL LEAVE CARRYOVER GUIDELINES

Effective Date: 10/15/2020	Supersedes: Annual Leave Carryover Guidelines 10/1/2016
Application: Executive Branch Agencies, All Merit and Exempt Employees	Merit Rule: 5.2.4
Authority: Delaware Code, Title 29, Chapter 59	Revised: October 15, 2020

PURPOSE: To establish a uniform standard for submission of request(s) to carry over annual leave in excess of the entitlement as stated in Merit Rule 5.2.4.

GUIDELINES: Annual leave carried into a new calendar year may not exceed 318 hours (for a 37.5-hour schedule) or 336 hours (for a 40-hour schedule). Managers should encourage employees to take annual leave at regular intervals throughout the year. Unfortunately, there are situations when time off cannot be granted (due to significant staffing shortages, major special projects, illness, etc.) possibly creating an excess in the allowable amount of leave carryover for an employee.

Even though employees should be held accountable for their own leave balances, we recommend that the Agency human resources (HR) office, manager, or section timekeeper inform each employee in October if it appears they will be in a “use or lose” status at the end of the year. When the employee is in a “use or lose” status, both the manager and the employee should make every effort to schedule the annual leave prior to the end of the calendar year. When exceptional reasons exist that prevent an employee from using their annual leave, and the annual leave accrued exceeds the maximum carryover, an eligible employee may submit an Annual Leave Carryover Request Form for approval by the Secretary of the Department of Human Resources (DHR).

The standards for making such a request are as follows:

1. All request(s) for Annual Leave Carryover:
 - Must be submitted prior to November 30th. Requests for extensions can be made for extenuating circumstances and will be reviewed on a case-by-case basis;
 - Must state a **detailed** reason the annual leave could not be used prior to the start of the new calendar year;
 - Must state a detailed plan for using the carryover amount prior to the start of the new fiscal year on July 1st.
2. An employee must fill out the Annual Leave Carryover Request Form completely and submit to their Agency HR who will review for leave information accuracy. After review, Agency HR submits the request form to DHR Employee Relations at Employee-Relations@delaware.gov. Requests submitted directly by employees to the Employee Relations mailbox will be returned and may result in a delay.

3. Requests made on consecutive years for the same individual will not be considered and should not be submitted for approval.
4. Annual leave carryover approvals will be capped at a maximum of 80 hours unless the employee was on approved FMLA, Short-Term Disability, and/or Workers Compensation.
5. Should the Governor declare 12/24 or 12/26 a holiday creating 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 a carryover exception form to DHR. In this instance, 7.5 or 8.0 hours will be considered as an automatic approval.
6. Carryover balances of 318 hours (for a 37.5-hour schedule) or 336 hours (for a 40-hour schedule) must take into account all annual leave taken or adjusted through and including December 31st. When submitting annual leave carryover requests to DHR, the December accrual rate should not be included in the total requested hours and will be applied according to the schedule outlined in Time and Labor and eSTAR systems.

FORM ASSOCIATED WITH THIS GUIDELINE:

- [Annual Leave Carryover Request Form](#) [link to revised request form?]

This guideline is not intended to create any individual right or cause of action not already existing and recognized under State and Federal law.