

County Executive
Terry Schutten



**County of
Sacramento**

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Inter-Departmental Correspondence

Date: June 29, 2007
To: Agency Administrators
Department Heads
From: Terry Schutten 
Subject: *Policy-Management Time Off (MTO)*

Awhile ago, it became apparent that there exists the inconsistent application of the County's Management Time Off (MTO) policy. To address this issue, a cross agency/departmental committee was formed to review the County's policy and to provide guidelines for the consistent application of the MTO policy.

The committee, led by Mark Norris, included Bob Ryan, Geoff Davey, Penelope Clarke, Paul Hahn, Bob Shanks, Cindy Besemer, George Anderson, Lynn Frank, Keith Devore, Steve Lakich, and David Devine. To assist you in the administration of the MTO policy going forward, attached is a copy of the original MTO policy that was promulgated by Brian Richter in 1986. Also included are frequently asked questions that may assist you in the administration of the MTO policy. For further questions, you may contact Mark Norris at 874-8515.

The administration and consistent application of MTO will be presented at a future department head meeting.

Attachments: (1986 MTO Policy; Frequently Asked Questions)

c: Robert Ryan-County Counsel
Geoff Davey-Chief Financial/Operations Officer
Mark Norris-Administrator, Internal Services Agency
David Devine-Director, Department of Personnel Services

1. PURPOSE: This is intended to provide direction to assist in the administration of management time off.
2. AUTHORITY: Management time off is authorized by Sacramento County Code Section 2.100.080, which provides:
 - “ (a) Management personnel are expected to work whatever time reasonably is required to perform the duties of their positions.”
 - “ (b) Management personnel shall not accrue compensating time off or earn overtime pay.”
 - “ (c) Management personnel are authorized, subject to approval of their immediate supervisors, to take reasonable time off for personal use during normal work hours without loss of compensation.”
3. INTENT OF MANAGEMENT TIME OFF POLICY: Management personnel, like other County employees, are expected to be normally on the job performing their duties during assigned work hours. Unlike other personnel, managers receive no compensation, neither compensating time off nor cash payment, for overtime worked. However, managers are allowed flexibility in their time off without loss of compensation, subject to approval of their immediate supervisors and departmental rules that are consistent with the above ordinance provisions.
4. PARTIAL DAY OFF: Managers may be allowed reasonable time off during normal duty hours to take care of personal business or for other personal reasons.
 - 4.1 No recordkeeping is required for such time off. The requirement is simply that the immediate supervisor gives approval.
 - 4.2 A manager who does not have sufficient allowable vacation time or sick leave time to cover a full work-day's absence on a given day should be allowed management time off so that the entire day will be paid. Managers who have exhausted authorized vacation and/or sick leave may be docked for entire days but not for partial days.
5. ONE OR MORE WHOLE DAYS OFF: Managers may be given one (1) or more whole days off under the management time off provision. In general, larger amounts of time such as this are intended to be given to managers who have worked a substantial amount of overtime. There are no specific limits on the amount of time off that may be given. However, when a manager is authorized a substantial amount of time off, the department should be able to demonstrate that the manager involved has worked enough overtime to justify the time off authorized.
6. TIME OFF WHEN MANAGER IS BEING COMPENSATED FOR OTHER WORK: No management time off should be allowed for time a manager may spend during County duty hours performing outside work (non-County work) for compensation. This is to avoid a situation in which a person is being paid by the County and compensated by another source at the same time. If a manager is permitted to perform such outside work during the normal workday, the time should be taken as vacation or leave of absence.

Approved:

Brian H. Richter
County Executive

County of Sacramento

MANAGEMENT TIME OFF for UNREPRESENTED MANAGEMENT PERSONNEL

Frequently Asked Questions

June 2007

1. What is management time off (MTO)?

MTO is County-paid time for managers to take reasonable time off for personal use during normal working hours without loss of compensation.

2. Why is MTO allowed?

A significant amount of skill, effort, and devotion is required to be successful in a management position. In recognition of this matter, MTO is provided as part of the County's total management compensation package. Staff members assigned to management job classes are expected to devote the time necessary to successfully perform the position's responsibilities and to accomplish established goals. Attendance at after-hours meetings or community gatherings is frequently required of management positions. Further, managers frequently spend personal time doing work-related tasks. The compensation for managers is not affected by the amount of time required, on an individual basis, for successful performance. Full-time management positions will typically require a minimum of 80 hours per biweekly pay period, and frequently and routinely many hours more.

3. What is the authority for MTO?

For unrepresented management personnel, MTO is authorized by the Sacramento County Code, Section 2.100.080, which provides:

- (a) Management personnel are expected to work whatever time is reasonably required to perform the duties of their positions.
- (b) Management personnel shall not accrue compensating time off or earn overtime pay.
- (c) Management personnel are authorized, subject to approval of their immediate supervisors, to take reasonable time off for personal use during normal working hours without loss of compensation.

Under the County's labor agreement with the Law Enforcement Management Association, which represents certain management-designated law enforcement personnel, MTO is covered under Article 6, Management Time Off. For the Sacramento County Attorneys

Association, attorney time off is covered under Article X and for the Physician and Dentists doctor time off is covered under Section 6.1.

For the "Frequently Asked Questions" contained in this paper, the information pertains to unrepresented management personnel.

4. What is the intent of the County's MTO policy?

Management personnel, like other County employees, are expected to be normally on the job performing their duties during assigned hours. Unlike other personnel, managers receive no additional compensation (i.e., neither compensating time off nor cash payment) for overtime worked. However, managers are allowed flexibility in taking time off without loss of compensation, subject to approval of their immediate supervisor(s) and departmental rules that are consistent with the above County ordinance provisions. MTO is intended for short-term absences. In general, it is not intended as a substitute for multiple-day leaves, such as for vacation or sick leave.

5. Who is eligible to use MTO?

County employees in job classes designated as management and employees covered by the Law Enforcement Management Association, the Sacramento County Attorney's Association and the Physician and Dentist labor agreements.

6. How many MTO hours may an employee use for a given situation?

Managers may be allowed to use MTO for a partial day off or for one or more whole days off.

In taking a partial day off, managers may be allowed reasonable time off during normal duty hours to take care of personal business or for other personal reasons. A manager who does not have sufficient allowable vacation time or sick leave time to cover a full workday's absence on a given day should be allowed MTO so that the entire day will be paid. Managers who have exhausted authorized vacation and/or sick leave may be docked for entire days but not for partial days.

Also, managers may be given one or more whole days off under the MTO policy. In general, larger amounts of time such as this are intended to be given to managers who have worked a substantial amount of overtime. There are no specific limits on the amount of time off that may be given for an occasion. However, when a manager is authorized a substantial amount of time off, the department should be able to demonstrate that the manager involved has worked well beyond the 80 hour biweekly pay period to justify the time off authorized.

7. Who approves the use of MTO?

Typically, the employee's supervisor will approve MTO for partial day use. In a situation involving one or more whole days' off, it would be common for the employee's supervisor

and higher level management personnel within the employee's reporting structure to approve the use of MTO. In either case, the employee's supervisor will review the request to use MTO, taking workload scheduling, departmental requirements, or, if applicable, an employee's job performance or absenteeism, into consideration, and will return a decision to the employee as soon as possible after receipt of the request.

8. How are MTO hours accumulated?

MTO hours are not accumulated nor are they tracked.

9. How do employees record the use of MTO hours on their time sheet?

Employees record their time sheets as "regular" hours worked when using MTO hours. Thus, MTO hours are paid at an employee's current base salary or hourly wage.

10. Is there a limit on the number of MTO hours that an employee may use during a pay period, month or calendar year?

There are no prescribed limits under the County's MTO policy. Use of MTO hours are approved by the employee's immediate supervisor and/or higher level management personnel.

11. Does the use of MTO hours affect any employee benefits provided to the employee?

Since the use of MTO hours are recorded as "regular" time worked on the employee's time sheet, their affect on any employee benefits would be the same as the affect as "regular" time worked has on employee benefits.

12. Are there means other than MTO for compensating managers that work beyond 40 hours during a week?

Yes. In addition to part (a), (b), and (c) of section 2.100.080 referenced in question #3, part (d), (e), and (f) provide means for management compensation, separate from MTO, that is related to situations involving job actions by other employees of the County or during an declared local emergency.

The provisions of part (d), (e), and (f) are:

(d) Notwithstanding subdivision a of this section or the provisions of Sections 2.100.050 and 2.100.060 of this Chapter, if, during any job action by other employees of the County or during any declared local emergency, management personnel are required to work in excess of those hours otherwise reasonably required for such personnel, a department head, or the department head's designee, may recommend additional compensation for such affected personnel at their hourly salary rate not in excess of one hundred (100) hours unless otherwise authorized by the Board of Supervisors. Upon approval of any such recommendation by the County

Executive Officer, payment shall be made to such employees with the next practicable regular biweekly compensation after such approval. Compensation pursuant to this subdivision must be approved within six (6) months from the end of any job action or declared local emergency.

(e) Notwithstanding subdivision a of this section or the provisions of Sections 2.100.050 and 2.100.060 of this Chapter, if, during any job action by other employees of the County or during any declared local emergency, management personnel within a department are placed on standby by their supervisor or supervisors pursuant to existing, written departmental policies governing such standby, such employees may be compensated for standby hours in amounts not to exceed their hourly salary rate. In the event management personnel are compensated for standby pursuant to this subdivision, they shall not also be eligible for compensation pursuant to subdivision (d) of this section.

(f) The provisions of subdivisions (d) and (e) of this section shall not be applicable to persons exempt from civil service pursuant to Section 71-D of the County Charter except for those persons exempt by reason of subdivision (7) of said section.

13. When would it be inappropriate and improper for employees to use MTO?

No MTO should be allowed for time a manager may spend during County duty hours performing outside work (non-County work) for compensation. This is to avoid a situation in which a person is being paid by the County and compensated by another source at the same time. If a manager is permitted to perform such outside work during the normal workday, the time should be taken as vacation or leave of absence.

14. Is there a carry-over or cash out of MTO hours?

As described in question #8, MTO hours are not accumulated nor are they tracked. Thus, there is no "use it or lose it" rule, hours are not carried over from one year to the next, nor are employees paid for any hours at the time of separation from County service.