

RE: Vacation pay and comp time

5/18/21 1:21 PM

From: "States Attorney" <statesattorney@shelbycounty-il.com>

To: <shcotre@shelbycounty-il.com>, <sc515@scso87.org>, <district7-1@shelbycounty-il.com>

On January 14, 2021, a Grievance Resolution was reached **between the county and the FOP** in response to union grievances filed pursuant to Article 17 of the collective bargaining agreement regarding the award of vacation time on the anniversary date of hire rather than January 1 of each year. The grievance resolution provides "Employees who filed grievances will be awarded vacation days on January 1, 2021, rather than anniversary date of hire. Those employees will have until December 31, 2021 to utilize vacation time awarded on January 1, 2021 (consistent with past practice). This resolution will be in effect until the expiration of the current Collective Bargaining Agreement: August 31, 2021 or until a successor agreement is ratified and will not extend thereafter."

Ms. Haynes was one of the sheriff's department employees who filed an above-referenced grievance and, for that reason, is entitled to the award of vacation time on January 1, 2021.

As it relates to accumulated and unused compensatory time off, it is my understanding that documentation of those hours has been provided to the Treasurer's Office by the Sheriff's Department. Pursuant to 20 U.S.C.A. section 207(o) (4), "an employee who has accrued compensatory time off authorized to be provided under paragraph (1) [employees of a public agency which is a State, a political subdivision of a State, or an interstate governmental agency] shall, upon termination of employment, be paid for the unused compensatory time at a rate of compensation not less than (A) the average regular rate received by such employee during the last 3 years of the employee's employment, or (B) the final regular rate received by such employee, whichever is higher."

Ms. Haynes is entitled to 280 hours of vacation time payment and 479 hours of accumulated compensatory time off payment.

Nichole Kroncke

Shelby County State's Attorney
301 E. Main Street
Shelbyville, IL 62565
(217) 774-5511

From: Shelby County Treasurer - Erica Firnhaber <shcotre@shelbycounty-il.com>

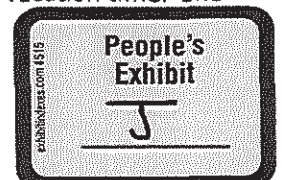
Sent: Monday, May 10, 2021 3:29 PM

To: sc515@scso87.org; statesattorney@shelbycounty-il.com; district7-1@shelbycounty-il.com

Subject: Vacation pay and comp time

Sheriff Koonce, State's Attorney Kroncke and Chairman Orman,

Attached is documentation for Missy Haynes and the hours she has received for vacation. Missy was hired 12/30/2017. She cashed out 40 hours of vacation on 12/14/2018, 2 weeks before her one year anniversary. 2 days after her 1 year service date, Missy received 80 hours of vacation. This was 80 hours of unearned vacation time. She



was again awarded 80 hour on 1/1/2020 and 1/1/2021. These hours are an overpayment if they are cashed out of 51 hours.

Missy should receive vacation of 229 hours for her service to Shelby County.

12/30/2018=40	actual 12/14/2018=40
12/30/2019=80	actual 1/1/2019 =80
12/30/2020=80	actual 1/1/2020=80
<u>5/8/2021=29</u>	<u>actual 1/1/2021=80</u>
=229	=280

I am asking for direction from the State's Attorney and the Chairman of the board for direction on this payment.

There is a payroll audit being performed on this department and I know that this vacation pay is a part of that and the ISP investigation. I do not want to process this overpayment without clear legal direction.

I would also like to request documentation to support the 479 hours of comp time accumulated. I have documentation from May 17, 2020 when timesheets started tracking time. I know there is also questions into all hours worked that are a part of the payroll audit. I would like supporting documentation as the cash out of this time will be \$9,700 plus dollars.

I do not plan to process this time on this payroll as we are on a deadline to get the file to the bank. I will plan to process this in 2 weeks should the State's Attorney and Board give the legal direction to do so. If you have any questions regarding this issue, please contact me.

Thank you,

Erica Firnkaber
Shelby County Treasurer
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Shelbyville, IL 62565
217-774-3841