

Temporary Policies Governing Pay and Use of Accruable Paid Leave for Hourly Employees During COVID-19 Emergency Through End of FY2020

Purpose

This temporary policy sets forth revised pay and accrued paid leave-use policies to support the College's commitment to continue paying all regular full- and part-time hourly and salaried employees their normal amount of pay for each payroll cycle through June 30, 2020 and to safeguard the future financial health of the College.

All employees (except those specifically exempted) must, before the end of the last payroll cycle in FY2020 (i.e., before June 27, 2020), use ("draw down") an amount of accruable paid leave days equal to or exceeding the amount of vacation leave they accrue annually, subject to the terms and conditions specified below. The specific number of accruable paid leave days hourly employees must use before the end of the FY2020 will vary based on their completed years of service.

For purposes of this policy, accruable paid leave consists of: vacation leave (both vacation available for use in FY2020 and vacation accrued in FY2020 for use in FY2021); floating holiday leave; time due leave; personal leave; and Perfect Attendance Award leave.

During the period that this temporary policy is in effect, College's usual policy that vacation leave accrued in one FY is not available for use until the next FY is suspended. This means that the required accruable paid leave draw-downs will be applied to vacation accrued in both FY2019 and FY2020.

Scope

This policy generally applies to all regular full- and part-time hourly employees of the College, except that specific sections may not apply to certain departments or types of employees, where specified below. This policy does not apply to salaried (overtime-exempt) employees, on-call or temporary employees, or students employed by the College. This policy is effective from April 12, 2020 through the last day of the final payroll cycle of FY2020 (i.e., June 27, 2020, for hourly employees), unless the College announces otherwise.

Temporary Pay Policies for Hourly Employees

- Consistent with the College's existing policies and applicable law, all hourly employees will be paid for all hours actually worked, on-campus and remotely, including overtime hours, if any.
- Hourly employees who are scheduled to work their regularly scheduled on-campus shift will be paid a ten percent (10%) premium on top of their standard hourly rate for work performed during on-campus shifts. This premium will not apply for *ad hoc* or occasional campus visits (e.g., to print, copy, or obtain supplies) incidental to remote work; rather, it is for scheduled, mandated on-campus shifts only. (See Example #1,

below.) The College may announce a discontinuance of the premium pay provisions of this paragraph in the event that the COVID-19 emergency ceases or other circumstances warrant prior to June 30, 2020.

- To the extent an hourly employee is scheduled to work fewer hours than their normal weekly schedule, or is not scheduled to work at all, during a given workweek, they will be required to use accruable paid leave as set forth in the **Required Accruable Paid Leave Draw-Down** section of this policy, below.
- If, in a given workweek, an employee's pay for hours actually worked, plus required accruable paid leave use, amounts to less than the employee's normal weekly pay, the College will "gross up" the employee's weekly hours to 100% of their normal weekly pay. This will be accomplished by paying the employee their normal wages for the difference between their normal weekly scheduled hours, on the one hand, and their actual hours worked plus required accruable paid leave use, on the other hand. When additional hours (not attributable to actual hours worked or accruable paid leave use) are paid for this purpose, they will be recorded as "COVID-19" hours. (See Example #2, below.)
- For the period this policy is effective, absences that would typically require the use of sick leave will not be charged against, and will not deplete, an employee's sick leave bank. Instead, time that is reported by employees as sick leave will be designated as "COVID-19" hours (irrespective of whether the absence is due to COVID-19, quarantining, or other qualifying reason).

Required Accruable Paid Leave Draw-Down

- This section of this policy applies to all regular full- and part-time hourly employees, except:
 - Hourly employees required to work and actually working 100% or more of standard weekly hours (see Example #1 below)
 - Employees who, because of the nature of their work during the emergency, are specifically exempted by written authorization from the Division Vice President
- For purposes of this policy accruable paid leave consists of:
 - Vacation Leave (including both vacation accrued in FY2019 for use in FY2020 and vacation accrued in FY2020 for use in FY2021)
 - Floating Holiday Leave
 - Time Due leave
 - Personal Leave
 - Perfect Attendance Award Leave
- Hourly employees eligible for regular benefits who had completed 15 years of service as of July 1, 2019, and who work less than 100% of their standard weekly hours will be

required to use two days (pro-rated hourly based on standard weekly hours) of accruable paid leave during each workweek, or such lesser amount of accruable paid leave as is necessary for the employee to receive 100% of their standard weekly pay. (See Example #3 and Example #4, below.) With supervisor approval, employees with sufficient available accruable paid leave may take more than two days of accruable paid leave in any given week, so long as doing so will not result in more than 100% of standard weekly pay.

- Hourly employees eligible for regular benefits who had completed 7 years of service as of July 1, 2019, and who work less than 100% of their standard weekly hours will be **required** to use one or two days (pro-rated hourly based on standard weekly hours) of accruable paid leave during each workweek, or such lesser amount of accruable paid leave as is necessary for the employee to receive 100% of their standard weekly pay, but no less than 15 days within the April 12, 2020 to June 27, 2020 period. With supervisor approval, employees with sufficient available accruable paid leave may take more than two days of accruable paid leave in any given week, so long as doing so will not result in more than 100% of standard weekly pay.
- Hourly employees eligible for regular benefits who had not completed 7 years of service as of July 1, 2019, and who work less than 100% of their standard weekly hours will be **required** to use one day (pro-rated hourly based on standard weekly hours) of accruable paid leave during each workweek, or such lesser amount of accruable paid leave as is necessary for the employee to receive 100% of their standard weekly pay. With supervisor approval, employees with sufficient available accruable paid leave may take more than one day of accruable paid leave in any given week, so long as doing so will not result in more than 100% of standard weekly pay.
- Hourly employees working between 20 and 27 hours per week who had completed 5 years of service as of July 1, 2019, and who work less than 100% of their standard weekly hours, will be **required** to use one day (pro-rated hourly based on standard weekly hours) of accruable paid leave during each workweek, or such lesser amount of accruable paid leave as is necessary for the employee to receive 100% of their standard weekly pay.
- Hourly employees working between 20 and 27 hours per week who had not completed 5 years of service as of July 1, 2019, and who work less than 100% of their standard weekly hours, will be **required** to use one day (pro-rated hourly based on standard weekly hours) of accruable paid leave during every other workweek, or such lesser amount of accruable paid leave as is necessary for the employee to receive 100% of their standard weekly pay.
- With supervisor approval, employees with sufficient available accruable paid leave may take more than the days of accruable paid leave required by this section, in any given week, so long as doing so will not result in more than 100% of standard weekly pay.

- The College’s usual policy that vacation leave accrued in one FY is not available for use until the next FY is suspended. Accordingly, the required accruable paid draw-downs set forth in this section will be applied against each employee’s total amount of accrued vacation, irrespective of when it was accrued or when it otherwise would have been available for use. This means that the required accruable paid leave draw-downs will be applied to vacation accrued in both FY2019 (for use in FY2020) and FY2020 (for use in FY2021).
- All employees will continue to accrue vacation through the end of FY2020 consistent with existing accrual rates set forth in the College’s vacation policy.
- Employees subject to this section of the policy who do not have sufficient accruable paid leave available to meet the draw-down requirements will be required to “go negative” with respect to vacation accrual, up to a maximum negative accrual equal to one year’s worth of vacation accruals. This means that the College will advance such employees sufficient vacation leave to meet the minimum draw-down requirements and to ensure the employee receives 100% of pay. Employees who “go negative” will need to accrue sufficient vacation leave to erase any negative accrual balance before they have vacation leave available for use in FY2021. (See Example #5, below.) However, Human Resources may grant exceptions to this requirement so long as the employee requesting the exception will remain on track to eliminate their negative balance by June 30, 2021.
- Beginning July 1, 2020, monthly vacation leave accruals will be available to employees for use as they are accrued, under a new Vacation Leave Policy which will be distributed later this fiscal year.

Additional Directives and Reminders

- Hourly employees must obtain express permission from their supervisor **before** working any overtime hours. Supervisors must inform Human Resources when they have approved an employee to work overtime. Hourly employees must continue to accurately record and report hours worked, whether working on campus or remotely.
- **When using accruable paid leave, employees must refrain from performing any work** beyond *de minimis* actions necessary to ensure that incoming or time-sensitive items are appropriately forwarded to a colleague who is working. If, despite an employee’s best efforts, they must perform work on an accruable paid leave day, they must inform their supervisor, and Human Resources, of the nature and duration of such work, and must accurately record and report time actually worked. Any scheduled accruable paid leave that, despite an employee’s best efforts, ends up being a “work day” must be rescheduled and taken as an accruable paid leave day as soon as possible. (See Example #6, below.)
- Nothing in this protocol is intended to, or shall, affect the **at-will** nature of any employee’s employment relationship with the College. All policies applicable to

employees of the College remain in effect at all times, except to the extent they conflict with this policy while this policy is in effect.

- The College reserves the right to implement different or additional policies regarding the matters addressed in this temporary policy, including the required use and draw-down of accruable paid time off prior the end of FY2020, and is considering prospective changes to accruable paid time off policies that will be effective in FY2021.

[examples on following page]

EXAMPLES

Example #1

Employee Z is a regular full-time hourly employee who is required to work and actually continues to work a full schedule on campus during the COVID-19 emergency. Her regular hourly rate is \$20/hour, but because she is scheduled to work on-campus shifts, she will be paid \$22/hour for those hours. By contrast, Employee Y is a regular full-time hourly employee who is required to work and actually continues to work a full schedule from home. He will be paid his regular hourly rate of \$20/hour, because he is not scheduled to work on campus. This is true even though Y comes to campus approximately once every two weeks for one or two hours at a time in order to scan paper records and get supplies needed for working at home.

Both Employee Z and Employee Y are required to work and actually continue to work 100% of their normal weekly schedules, so neither will be required to use vacation or other paid time off under the Required Accruable Paid Leave Draw-Down policy (if they choose to take a day off, and use accruable paid leave, they must obtain their supervisor's approval in advance and must not perform any work on that day).

Example #2

Employee X is a regular full-time hourly employee who typically works 40 hours per week. Due to the COVID-19 emergency, he is working remotely. He is assigned a few tasks to work on that week, which take him 16 hours to complete. He reports that time as hours worked. Under the Required Accruable Paid Leave Draw-Down policy, he will also be required to use two days of accruable paid leave (8 hours/day x 2 days = 16 hours) that week. The remaining 8 hours necessary to ensure that he receives pay equivalent to his standard 40-hour week is designated as "COVID-19" pay.

Example #3

Employee W is a regular full-time hourly employee who typically works 35 hours per week. Due to the COVID-19 emergency, she is working remotely. Because students are not on campus, W's duties are reduced and she is able to complete all her tasks for the week in 21 hours and reports those hours worked. Under the Required Accruable Paid Leave Draw-Down policy, she will also be required to use two days of accruable paid leave (7 hours/day x 2 days = 14 hours) that week. Her pay for that week will be for 35 hours (21 hours worked + 14 hours accruable paid leave), equaling 100% of her standard weekly pay.

Example #4

The next week, Employee W from Example #3 has some additional tasks to complete and works for 28 hours total. Under the Required Accruable Paid Leave Draw-Down policy, W will be required to use only one day of accruable paid leave (7 hours) in order to ensure she receives 100% of her standard weekly pay.

Example #5

Employee V, a full-time hourly employee, began working at Holy Cross on October 1, 2019. He elected not to work on all Floating Holidays and has not taken any vacation to date, and thus had 5 accrued vacation days available as of March 30, 2020. He will also continue to accrue vacation (at the rate of .83 days per month) for each of April, May, and June. Because V's 7.5 total days of vacation available through June 30 will not be enough to cover the 10 accruable paid leave days he is required to take under the Required Accruable Paid Leave Draw-Down policy, the College will advance him 2.5 additional vacation days. Thus, as of June 30, V will have "gone negative" on his vacation accrual by 2.5 days. He will need to accrue sufficient vacation in FY 2021 (beginning July 1, 2020) to erase this negative balance before accruing a "positive" vacation balance for future use.

Example #6

Employee V from Example 5 is working from home during the COVID-19 emergency. V and his supervisor agree that he will take an accruable paid leave day every Friday from April 24 to June 26, a total of 10 days. V, his supervisor, and their colleagues agree on who will cover for V on the days he is on accruable paid leave, and who will be the point person for fielding any time-sensitive items that emerge on those days. On Friday, May 8, V receives urgent word that an issue has arisen that requires his attention, and he learns that his colleague who would otherwise cover for him is taking care of a child with a stomach bug. V works to address the issue that day and does not take accruable paid leave. He and his supervisor later speak and decide that V will take Thursday, May 14, as an accruable paid leave day in addition to Friday, May 15. He is otherwise able to take all accruable paid leave days as planned. As of the end of FY2020, V's accruable paid leave bank has been drawn down by 10 days.