

Temporary Policies Governing Pay and Use of Accruable Paid Leave for Salaried (Overtime-Exempt) 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 fiscal year (June 30, 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. This means that salaried employees must use at least 20 accruable paid leave days before the end of the current fiscal year ("FY2020").

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; and time due 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 salaried 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 hourly employees, on-call or temporary employees, or students employed by the College. This policy is effective through the last day of the final payroll cycle of FY 2020 (i.e., June 30, 2020, for salaried employees), unless the College announces otherwise.

Temporary Pay Policies for Salaried (Overtime-Exempt) Employees

- Consistent with the College's existing policies and applicable law, all salaried employees will continue to be paid 100% of their salary on a semi-monthly basis so long as they perform some work each week, irrespective of their actual hours worked in any given workweek.
- Unless exempted by written authorization from the Division Vice President, all salaried employees will be required to use accruable paid leave as set forth in the **Required Accruable Paid Leave Draw-Down** section of this policy, 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 salaried employees, except 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
- Salaried employees will be **required** to use 20 accruable paid leave days before June 30, 2020 (an average of at least two days of accruable paid leave during each workweek). Salaried employees may choose which days will be accruable paid leave days, subject to supervisor approval, and must make express arrangements with their colleagues and supervisor to ensure that others can cover their duties on accruable paid leave days. (See Example #1, below.)
- With supervisor approval, employees with sufficient available accruable paid leave may take more than the average 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 FY20) and FY2020 for use in FY21.
- All employees will continue to accrue vacation through the end of FY 2020 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 of 20 days. 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 #2, 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

- **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. 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 #1, below.)
- If work obligations require it, salaried employees may request to take a half day of paid leave during the draw down period. Salaried employees should memorialize their half-day leave requests in writing via email to their supervisor, and send any approved leave requests to the department timekeeper. Salaried employees are reminded that they cannot perform any work, beyond *de minimis* tasks, when the employee’s time is being recorded as paid time off during a prescheduled half-day of leave. In the event an employee performs more than *de minimis* work during a period that was otherwise scheduled to be paid leave, they should inform the department timekeeper so that the amount of time they spent working is not depleted from their paid leave bank. Any such “missed” scheduled leave time must be taken as soon as possible thereafter.
- 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 V is a full-time salaried (overtime-exempt) employee who is working from home during the COVID-19 emergency. He gets his supervisor's approval to use accruable paid leave for the full weeks of June 15-19 and June 22-26, which will use 10 accruable paid leave days. V and his supervisor also agree that he will take an accruable paid leave day every Friday from April 17 to June 12, and Monday June 29. 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, April 17, 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, April 22, as an accruable paid leave day in addition to Friday, April 23. He is otherwise able to take all accruable paid leave days as planned. V receives his full semi-monthly salary payment on each payday, and as of June 30, his accruable paid leave bank has been drawn down by 20 days.

Example #2

Employee V, from Example #1, 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 10 accrued vacation days available as of March 30, 2020. He will also continue to accrue vacation (at the usual exempt employee rate of 1.66 days per month) for each of April, May, and June. Because V's 15 total days of vacation available through June 30 will not be enough to cover the 20 accruable paid leave days he is required to take under the Required Accruable Paid Leave Draw-Down policy, the College will advance him 5 additional vacation days. Thus, as of June 30, V will have "gone negative" on his vacation accrual by 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.