



## **Policy and Protocols for Employee Negative Leave Accrual COVID-19 Response**

The purpose of this policy is to accommodate the special needs of employees during the COVID-19 pandemic by allowing employees to utilize leave in excess of their available leave balances.

### **Scope of Coverage**

This policy applies to all regular full and part-time benefit-eligible employees of the City of Spearfish ("City"). Except as modified by this policy, all City policies remain in full force and effect.

### **Effective Date**

This policy will be effective immediately upon adoption and will remain in effect until rescinded by the City Administrator.

### **Employee Eligibility for Negative Accrual of Available Leave**

An employee is eligible for negative accrual only if:

- The employee has exhausted all available leave balances; and
- The employee does not want to be unpaid while on leave for a qualifying reason; and
- One or more of the following conditions apply:
  - a. The employee is subject to a quarantine or isolation order related to COVID-19. "Subject to a Quarantine or Isolation Order" means a quarantine or isolation order including quarantine, isolation, containment, shelter-in-place, or stay-at-home orders issued by any Federal, State, or local government authority that causes the employee to be unable to work.
  - b. The employee has been advised by a health care provider to self-quarantine or isolate due to concerns related to COVID-19.
  - c. The employee is experiencing symptoms associated with COVID-19 and seeking a medical diagnosis.
  - d. The employee is caring for an individual who is subject to a Quarantine or Isolation Order issued by a Federal, State or local government or who has been advised by a health care provider to self-quarantine or isolate due to concerns related to COVID-19.
  - e. The employee is caring for the employee's child if the child's school or place of care has been closed, or the child's childcare provider is unavailable due to COVID-19 precautions.

### **Leave Available for Negative Accrual**

Under this policy, employees may accrue negative vacation or sick leave balance depending on



whether the absence qualifies for vacation or sick leave.

Full-time, benefit eligible employees may accrue up to 80 total hours of negative leave, regardless of the type of leave.

Part-time, benefit eligible employees may accrue up to 40 total hours of negative leave, regardless of the type of leave.

### **Repayment of Negative Leave Balance**

Employees are required to repay the negative leave balance accrued. Half of the amount of leave accrued with each pay period will be deducted until the negative leave is repaid.

If the employee leaves employment with the City prior to full repayment of the negative leave balance, the employee must tender to the City an amount sufficient to repay the full value of the outstanding negative leave balance within fourteen days of the employee's separation from employment with the City. The employee may elect to have this amount withheld from their final paycheck or may tender a cashier's check to the City for the full amount of the balance owed.

### **Certification of and Agreement to Repay Negative Leave Balance**

Prior to incurring a negative leave balance, an employee must:

- Obtain approval from human resources to incur a negative leave balance.
- Provide the following information in writing or email:
  - a. The employee's name;
  - b. The dates for which negative accrual of an available leave is requested;
  - c. The qualifying reason for the leave;
  - d. Documentation that evidences the qualifying reason for the leave (e.g., a doctor's note).
- Execute a written agreement to repay the negative leave balance.