



HOLIDAY OBSERVANCE Frequently Asked Questions

- If, due to lack of work, a supervisor releases an employee from work prior to the end of their scheduled shift on a holiday, how much pay or time off to observe the holiday at a later date would the employee be eligible to receive?**

2-Jul	3-Jul	4-Jul	5-Jul	6-Jul	7-Jul	8-Jul
SATURDAY	SUNDAY	HOLIDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
SDO	8:30 AM- 4:30 PM	8:30 AM- 1:30 PM	8:30 AM- 4:30 PM	SDO	8:30 AM- 4:30 PM	8:30 AM- 4:30 PM
Employee is scheduled to work 8:30 AM - 4:30 PM on the holiday but due to lack of work, employee is sent home at 1:30 PM.						

In the scenario above, work hours during which the employee was released from work on the holiday (1:30 PM to 4:30 PM) is counted as holiday hours observed. The employee would be paid for the hours physically worked, including overtime, if applicable, pay for hours spent observing the holiday and either pay or time off to observe the holiday at a later date for the time spent working.

8:30 AM – 1:30 PM = 5.0 Hours Regular Pay; 1:30 PM – 4:30 PM = 3.0 Holiday observance time off, and 5.0 hours to observe the holiday at a later date or the employee may agree to be paid for the holiday hours worked rather than observing it at a later date in accordance with the Division of Personnel (DOP) *Administrative Rule*, subsection 14.1.d.

- When an employee is scheduled to work on a holiday but does not complete their shift due to illness and requests paid leave or an unpaid leave of absence, how much pay for the holiday are they entitled to receive?**

2-July	3-July	4-July	5-July	6-July	7-July	8-July
SATURDAY	SUNDAY	HOLIDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
8:30 AM- 4:30 PM	8:30 AM- 4:30 PM	8:30 AM- 2:30 PM	SDO	8:30 AM- 4:30 PM	8:30 AM- 4:30 PM	8:30 AM- 4:30 PM
Employee is scheduled to work 8:30 AM--4:30 PM on the holiday but leaves ill requesting sick leave at 2:30 PM during their shift.						

An employee who is scheduled to work on the holiday but fails to report is ineligible to receive pay for the holiday irrespective of working or being on approved paid leave on that day or the days before and after. The employee would be entitled to receive pay or holiday time off to be observed at a later date equivalent to the time spent physically worked on the holiday. The employee is not eligible to receive pay or time off for the portion on the shift the employee was scheduled but failed to work. The employee would be paid either sick or annual leave in lieu of sick leave for the hours requested off during their scheduled shift.

In the scenario above, the employee would be entitled to receive 6.0 hours regular pay for the hours physically worked, 6.0 hours of pay or observe 6.0 hours of leave at a later date in observance of the holiday, and 2.0 hours accrued paid leave (sick, annual or previously banked holiday).

- 3. When an employee is scheduled for two shifts which span the 24-hour holiday, but calls in or leaves sick during either shift, how much pay or time off to observe at a later date would the employee be entitled to receive for the holiday?**

2-July	3-July	4-July	5-July	6-July	7-July	8-July
SATURDAY	SUNDAY	HOLIDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
8:30 PM- 4:30 AM	8:30 PM- 4:30 AM	8:30 PM- 4:30 AM	8:30 PM- 4:30 AM	8:30 PM- 4:30 AM	SDO	SDO
8-hour holiday begins at 12:00 AM midnight on the July 3 scheduled shift. Employee works their full scheduled shift on July 3 but calls in for their entire shift July 4.						

The employee would receive pay for hours physically worked that span the 24-hour period of the holiday, and receive pay or time off to observe the holiday at a later date equivalent to the hours physically worked on the holiday not to exceed the 4.0 or 8.0 hours.

In the scenario above, the employee would receive 8.0 hours pay for hours physically worked on the July 3 shift and 4.5 hours of pay or time off to observe the holiday at a later date for hours worked on the holiday during the July 3 shift (12:00 AM-4:30 AM).

- 4. When an employee is scheduled to work on a holiday and is subsequently charged with unauthorized leave on the holiday, what amount of holiday entitlement would the employee receive?**

When charged with unauthorized leave during hours scheduled to work on a holiday, an employee would not receive any holiday entitlement and would only be paid for hours physically worked, if applicable. An employee who is scheduled to work on a holiday but fails to report is ineligible to receive pay for the holiday irrespective of working or being on approved paid leave on that day or the days before and after date in accordance with the DOP *Administrative Rule*, subsection 14.1.d.

5. How much Family and Medical Leave Act (FMLA) leave is charged when an employee takes a full week of FMLA during a week in which a holiday occurs?

An employee taking a full week of unpaid FMLA during a week when a holiday occurs is charged unpaid FMLA for all days of the week including the holiday. Conversely, when a holiday falls during a week when an employee is taking less than a full week of unpaid FMLA leave, the holiday is not counted as unpaid FMLA leave, unless the employee was scheduled and expected to work on the holiday and requested unpaid FMLA leave.

6. Are employees in classified-exempt positions eligible for holiday entitlement if they are required to work on the holiday?

If the agency applies the holiday provisions of the DOP *Administrative Rule* to the classified-exempt positions, the employee would be entitled to the benefit of the holiday.

7. If the death of an employee occurs immediately following a holiday, would the benefit of the holiday be received?

Yes, the benefit of the full holiday would be received.

8. When an employee is scheduled to work the four (4) hours preceding a 4-hour holiday and requests unpaid leave, is the employee entitled to receive pay for observance of the holiday?

No, to receive pay for the holiday, an employee must work or be on approved paid leave for the four (4) hours preceding the holiday.

9. If an agency permits employees to “bank” holiday time off, may it be rolled over into the new year?

Yes, an employee does not lose entitlement to the benefit of accrued and unused holidays at the end of the calendar or fiscal year. Agencies frequently permit banked holiday time for employees who work multiple holidays without the opportunity to timely observe the holidays on an alternate date. Also, all accrued and unused holidays shall be paid upon separation.

10. Would an employee using annual leave during a non-disciplinary suspension pending investigation into misconduct or outcome of a criminal proceeding receive pay for the holiday?

An employee on a non-disciplinary suspension must use annual leave to receive pay for observance of the holiday and if exonerated, all annual leave used during the non-disciplinary suspension would be restored. If the employee resigns or is otherwise separated prior to the completion of the investigation and did not use annual leave to receive pay for the holiday, the employee would not be entitled to receive the holiday benefit. Further, an employee otherwise eligible for the holiday who was scheduled to work on the holiday prior to suspension, will not only receive pay for the scheduled holiday hours but is also entitled to observe the holiday on an alternate date as provided in the DOP *Administrative Rule*.

11. If the Governor declares a special holiday for state employees, does it apply to employees of local health departments?

Any day or part thereof designated by the Governor as time off, without charge against accrued annual leave for state employees statewide may also be time off for county employees if the county commission elects to designate the day or part thereof as time off, without charge against accrued annual leave for county employees.

12. An employee works the holiday as scheduled. The day following the holiday the employee is absent on unauthorized leave. Is the employee entitled to receive time off to observe the holiday or payment for the holiday observance?

In accordance with the DOP *Administrative Rule*, subsection 14.1.d., the employee would be entitled to receive pay for the hours physically worked on the holiday plus time off to observe the holiday at a later date or the employee may agree to be paid for the holiday rather than observing it at a later date.

13. An employee is scheduled to work the holiday but calls off requesting sick leave. The employee worked their regularly scheduled shift the day before the holiday and the day following the holiday. Is the employee eligible for time off or pay in observance of the holiday?

In accordance with the DOP *Administrative Rule*, subsection 14.1.d, an employee who is scheduled to work on a holiday but fails to report is ineligible to receive pay for the holiday irrespective of working or being on approved paid leave the day before and the day following the holiday.