

**SECTION 24. HOLIDAY LEAVE AND COMPENSATION**

(As amended May 20, 2010 and July 12, 2011)

**24-1. Definitions.**

- (a) ***Holiday compensation:*** Additional pay or compensatory time earned by an employee who is:
  - (1) eligible for holiday pay under Section 24-4; and
  - (2) required to work on a day observed by the County as a holiday.
- (b) ***Holiday leave:*** Paid leave granted to an eligible employee on a day observed by the County as a holiday.

**24-2. Holidays observed by the County.**

- (a) ***Publication of holidays.*** Each year the OHR Director must publish the dates of the official County holidays listed below for that year. The holiday period is from 12:00 a.m. to 11:59 p.m. on the published dates. These official holidays and any special holiday that may be declared by the CAO are the only County holidays for purposes of these Regulations.
- (b) ***Official holidays.*** The official County holidays are:
  - (1) New Year's Day -- January 1 or an alternate holiday designated by the CAO as the official holiday if January 1 falls on a Saturday or Sunday;
  - (2) Martin Luther King, Jr. Day -- Third Monday in January;
  - (3) Presidents' Day -- Third Monday in February;
  - (4) Memorial Day -- Last Monday in May;
  - (5) Independence Day -- July 4 or an alternate holiday designated by the CAO as the official holiday if July 4 falls on a Saturday or Sunday;
  - (6) Labor Day -- First Monday in September;
  - (7) Veterans' Day -- November 11 or an alternate holiday designated by the CAO if November 11 falls on a Saturday or Sunday;
  - (8) Thanksgiving Day -- Fourth Thursday in November; and
  - (9) Christmas Day -- December 25 or an alternate holiday designated by the CAO as the official holiday if December 25 falls on a Saturday or Sunday.

- (c) **Special holiday.** The CAO may designate any other day as a full-day or part-day holiday or as a non-workday for all employees or for a group of employees providing services to other County-funded or State agencies.
- (d) **Other agency holiday.** The CAO may authorize an employee who provides County services to another County-funded or State agency:
  - (1) to work on a County holiday not observed by the other County-funded agency; and
  - (2) not to work on the holiday of a County-funded agency if the holiday is not observed by the County government.

#### **24-3. Actual and official holiday.**

- (a) If Christmas Day, December 25, New Year's Day, January 1, or Independence Day, July 4, falls on either a Saturday or Sunday, a director of a department that provides services on Saturday or Sunday may require an employee to work:
  - (1) on the actual holiday instead of the official holiday designated by the CAO; or
  - (2) on the official holiday; or
  - (3) both the actual and official holiday.
- (b) If a department director requires an employee to work on Christmas Day, December 25, New Year's Day, January 1, or Independence Day, July 4, that actual holiday worked is the employee's holiday for purposes of compensation. If a department director requires an employee to work on the official holiday but not the actual holiday, the official holiday is the employee's holiday for purposes of compensation.
- (c) A department director who requires an employee to work on both an actual holiday and the official holiday must not pay holiday premium pay for work on the official holiday.

#### **24-4. Eligibility for holiday leave.**

- (a) A full-time or part-time employee who is not a uniformed fire/rescue employee and who is normally scheduled to work on the day on which the holiday falls may receive paid holiday leave.
- (b) A school-based employee who works a 10-month schedule may receive paid holiday leave for holidays during that 10-month period.

- (c) An employee may receive holiday leave if the employee is in pay status on the last regularly scheduled workday before and the first regularly scheduled workday after the holiday. An employee who, with supervisory approval, uses furlough hours on the last regularly scheduled workday before and/or the first regularly scheduled workday after a holiday may receive holiday leave.

#### **24-5. General information about holiday leave.**

- (a) ***Employee on leave or compensatory time.*** An employee on approved paid leave or compensatory time on a holiday is on holiday leave for that day.
- (b) ***Holiday on an employee's regular day off.***
- (1) If a holiday falls on an employee's regular day off, a department director should assign the employee an alternate day off within the same pay period.
  - (2) Instead of an alternate day off, the department director may offer the employee pay at the employee's regular hourly rate or an equivalent amount of compensatory time as the holiday benefit. The department director may offer the employee pay as the holiday benefit only if the department director would have to pay overtime to another employee to replace the employee if the employee took an alternate day off.
- (c) ***Holiday leave for a part-time employee.***
- (1) A supervisor must compute holiday leave and compensation for a part-time employee on a prorated basis using the following formula:
 
$$\frac{\text{Hours normally scheduled to work in the pay period in which the holiday falls}}{10} = \text{prorated hours}$$
  - (2) If a department director grants alternate time off or compensatory time to a part-time employee, the alternate time off or compensatory time must be prorated using the formula in subsection (c)(1) above.

#### **24-6. Determining which employees must work on a holiday.**

- (a) The CAO must determine which County services must be maintained on a full or partial basis on a holiday.
- (b) A department director should release an employee from work on a holiday unless the employee is needed to maintain essential services. The department director must determine which employees must work and which employees are released from work on a holiday.

#### **24-7. Premium pay for holiday work.**

(a) ***Eligibility for holiday premium pay.***

- (1) A department director must pay an employee holiday premium pay if:
  - (A) the majority of the employee's normal workday falls during the holiday period; and
  - (B) the employee either works, is on scheduled leave, approved leave, or administrative leave on the employee's scheduled workdays immediately before and after the holiday.
- (2) A department director must not pay holiday premium pay or grant compensatory time to an MLS employee who works on a holiday. A department director may give an MLS employee an alternate day off within the same pay period.

(b) ***Holiday work on an employee's regularly scheduled workday.***

- (1) A department director must pay a full-time employee who is required to work on a holiday that is the employee's regularly scheduled workday:
  - (A) regular pay for the hours scheduled to be worked on the normal workday of 8 or more hours, as applicable;
  - (B) premium pay at a rate of 1 1/2 times the regular hourly rate for each hour worked during the normal workday on which the holiday occurs; and
  - (C) overtime compensation for each hour worked beyond the normal workday of 8 hours or more.
- (2) A department director must pay a part-time employee who is required to work on a holiday that is the employee's regularly scheduled workday:
  - (A) regular pay for the prorated share of hours for which the employee would have received holiday leave if the employee had not worked;
  - (B) premium pay at a rate of 1 1/2 times the regular hourly rate for each hour worked during the normal workday on which the holiday occurs; and
  - (C) overtime compensation for each hour worked beyond the normal workday of 8 hours or more.

(c) ***Holiday work on an employee's regular day off.***

- (1) ***For full-time employees.*** A department director must pay a full-time employee who is required to work on a holiday that is the employee's regular day off:
  - (A) regular pay for the hours scheduled to be worked in the normal workday of 8 hours or more or give the employee an alternate day off within the same pay period or an equivalent amount of compensatory time;
  - (B) premium pay at a rate of double the regular hourly rate for each hour worked for the normal workday on which the holiday occurs; and
  - (C) overtime compensation for each hour worked beyond the normal workday of 8 hours or more.
- (2) ***For part-time employees.*** A department director must pay a part-time employee who is required to work on a holiday that is the employee's regularly scheduled day off:
  - (A) regular pay for the prorated share of hours for which the employee would have received holiday leave if the employee had not worked or give the employee a prorated substitute holiday or a prorated share of compensatory time; and
  - (B) premium pay at a rate of double the regular hourly rate for each hour worked up to 8 hours or more than 8 hours if the employee's normal workday is longer than 8 hours; and
  - (C) overtime compensation for each hour worked beyond the normal workday of 8 hours or more.

**24-8. Compensatory time instead of premium pay for holiday work.** If a department director cannot pay premium pay to an employee for holiday work because of special or significant budgetary limitations, the department director must credit the employee with:

- (a) 1 ½ hours of compensatory time for each hour of holiday work on the employee's normal workday; and
- (b) 2 hours of compensatory time (double time) for each hour of holiday work performed during the employee's normal workday of 8 hours or more on the employee's regular day off.

**24-9. Holiday benefit for uniformed County fire/rescue employees.**

- (a) ***Holiday benefit.***

- (1) The holiday benefit in this subsection is the only holiday compensation that a uniformed fire/rescue employee is eligible to receive, regardless of whether the employee is scheduled to work on a holiday.
  - (2) An employee must record the benefit on the time sheet for the pay period in which the holiday falls.
- (b) **Eligibility for holiday benefit.**
- (1) An employee in pay status, on approved leave, or on a regularly scheduled day off on the holiday is eligible to receive the holiday benefit.
  - (2) An employee who fails to report for work as scheduled and who is not in an approved leave status will not be eligible for the holiday benefit for that holiday.
  - (3) An employee will not be eligible for the holiday benefit if the employee is:
    - (A) in a non-pay status on both the employee’s last regular workday before and first regular workday after the holiday; or
    - (B) AWOL on either the employee’s last regular workday before or first regular workday after the holiday, or AWOL on both days.
- (c) **Amount of holiday benefit.** The Administrator of Fire and Rescue Services must pay a uniformed fire/rescue employee a holiday benefit as indicated in the following table.

<b>Holiday Benefit for Uniformed Fire/Rescue Employees</b>				
<b>Firefighter’s work schedule</b>	<b>Holiday benefit for a holiday listed in Section 24-2 (employee may choose either)</b>		<b>Substitute for a personal leave day* (employee may choose either)</b>	
	<b>Regular pay</b>	<b>Compensatory time</b>	<b>Regular pay</b>	<b>Compensatory time</b>
2080-hour work year	13 hours	13 hours	13 hours	13 hours
2184-hour work year	14 hours	14 hours	14 hours	14 hours
2496-hour work year	16 hours	16 hours	16 hours	16 hours

*\*Applies to an employee who is normally scheduled to work and who actually works on U.S. Presidential Inauguration Day (January 20, one day every 4 years); Election Day (usually first Tuesday after first Monday in November in even-numbered calendar years); and Columbus Day (second Monday in October).*

**24-10. Appeal of holiday leave or holiday compensation decision.** An employee with merit system status who is adversely affected by an alleged improper, inequitable, or unfair application of the County’s regulations and policies on holiday leave or holiday compensation may file a grievance under Section 34 of these Regulations.

**Editor’s note** – The subjects covered in this section of the Personnel Regulations are addressed for bargaining unit employees in the current collective bargaining agreements as indicated below:

<b>Bargaining unit</b>	<b>Articles of current agreements with references to holiday leave and compensation</b>
Firefighter/Rescuer	16, Holidays
OPT/SLT	6, Service Increments 19, Administrative Leave 20, Holiday Leave 29, Labor Management Relations Committee
Police	14, Holiday Leave and Pay 28, Service Increments 44, Promotions 55, Job Sharing Program