
HOLIDAYS

APPLICATION: Classified Employees

PURPOSE Permits agencies to provide eligible employees with paid time off for specific workdays designated as holidays.

DEFINITIONS

Alternate Work Schedule Schedules that differ from the normal 40-hour workweek schedule. Alternate work schedules may include, but are not limited to, four 10-hour days, rotating shifts, flexible hours and job sharing.

Holiday Official workday designated by the Code of Virginia or Executive designation to be observed as paid time off. For full-time employees (F) a holiday is eight hours and a half-day holiday is four hours.

Pay Periods 10th of the month through the 24th and the 25th of the month through the 9th of the following month.

GENERAL PROVISIONS

The Commonwealth observes the following 12 paid holidays:

New Year's Day – January 1

Lee-Jackson Day – Friday preceding the third Monday in January

Martin Luther King, Jr. Day – Third Monday in January

George Washington Day – Third Monday in February

Memorial Day – Last Monday in May

Independence Day – July 4

Labor Day – First Monday in September

Columbus Day and Yorktown Victory Day – Second Monday in October

Veterans Day – November 11

Thanksgiving Day – Fourth Thursday in November

The day after Thanksgiving

Christmas Day – December 25

In addition, other workdays may be designated as holidays by the Governor or by the President of the United States

When the holiday falls on a weekend When a holiday falls on a Saturday, the holiday shall be observed on the preceding Friday. When a holiday falls on a Sunday, the holiday shall be observed on the following Monday.

HOLIDAYS

POLICY NO.: 4.25
EFFT. DATE: 08/16/93
REV. DATE: 06/30/06
REV. DATE: 06/10/07

**Agencies’
Decentralized
Authority**

Agencies have decentralized authority to choose between pay and compensatory leave as the award to employees who have worked during a holiday or who were on their scheduled day off during a holiday. Agencies should communicate their policy for compensating employees in these situations.

**Alternate Agency
Holidays**

Agencies required to be in full operation on the designated holidays have authority to establish an alternate holiday schedule (includes 24/7 agencies, universities and colleges). This schedule must provide the same number of holidays as stated above.

Transferring between
agencies with
different holiday
schedules

Employees who transfer between agencies that observe different holiday schedules will observe the holidays of the agency they are transferring to. No adjustments will be made for holidays lost or gained.

Loss of Holiday(s)

To be eligible to receive holiday pay and/or compensatory leave employees must:

- be present at work or on paid leave on their last scheduled work day before the holiday;
- and,**
- be present at work or on paid leave on their first scheduled work day after the holiday.

Employees who do not have leave to cover this period of time will not be eligible to receive the holiday(s).

Non-Exempt

FLSA non-exempt employees are eligible for holiday pay unless they are on leave without pay any portion of their last scheduled work day before the holiday, their first scheduled day after the holiday, or the day of the actual holiday. This will result in loss of holiday pay.

Exempt

FLSA exempt employees are eligible for holiday pay unless they are on extended leave without pay and unavailable for work on the entire last scheduled workday before the holiday and first scheduled workday after the holiday.

**Religious
Observances**

Agencies should make reasonable accommodation for the diverse religious holiday needs of employees, unless accommodation will result in undue hardship to the agencies.

During Normal
Work Hours

Employees should request time off in advance to permit agencies to accommodate the requests. Agencies should make every effort to approve such requests.

Requests for time off for religious observances should be approved

HOLIDAYS

POLICY NO.: 4.25
EFFT. DATE: 08/16/93
REV. DATE: 06/30/06
REV. DATE: 06/10/07

unless management determines that employees' absence would cause the agencies undue hardship in conducting business. If a request for leave for this purpose is denied, agencies should be prepared to demonstrate that granting the request would have resulted in such a hardship.

Leave is Charged

Time off for religious observances shall be charged to employees' accrued annual, family and personal, compensatory, overtime or recognition leave. If employees do not have adequate leave to cover the absence, they will be placed in a non-pay status.

**IMPACT OF WHEN
HOLIDAY
OCCURS****First Day of Pay
Period**

When a holiday falls on the first workday of a pay period (10th or 25th) and employees are scheduled to begin employment on the first workday following the holiday, the first day of the pay period will be considered to be the first day worked and employees will be eligible to receive holiday pay.

When a holiday falls on the first workday of a pay period (10th or 25th) and employees are scheduled to return from leave without pay on the first workday following the holiday, the first day of the pay period will be considered to be the first day worked and the employees will be eligible to receive holiday pay.

**Last Day of Pay
Period**

When a holiday falls on the last workday of a pay period (9th or 24th) and employees' last day worked in state employment or last day on paid leave before leaving state employment is the day before the holiday, then the holiday shall be considered to be the date of termination and employees will be eligible to receive holiday pay.

**Last Day of the
Month**

When a holiday falls on the last day of the month and the employee will retire on the first day of the following month, the employee will receive pay for the holiday, if he or she worked or was on paid leave on the last workday before the holiday.

**HOLIDAY
BENEFITS****Rate of Holiday Pay**

Holiday Falls on
Scheduled Work Day

Not required to work

Full-time employees will receive eight hours of pay for each eight-hour holiday.

HOLIDAYS**POLICY NO.:** 4.25
EFFT. DATE: 08/16/93
REV. DATE: 06/30/06
REV. DATE: 06/10/07

Quasi full-time employees and part-time employees will receive holiday pay proportionate to their FTE.

Example: A classified employee who works 60% of the normal full-time schedule, or 24 hours per week, will receive 4.8 hours of pay for each holiday.

Required to work

Full-time employees required to work on a holiday will be paid eight hours for the holiday and, in addition, be paid or credited with compensatory leave for the hours actually worked. For employees eligible for overtime pay (FLSA non-exempt employees), hours worked shall be counted in the total hours for the work period to determine the need for overtime pay or leave.

Quasi Full-Time or
Part-time Employees

Quasi full-time or part-time employees who are required to work on a holiday will receive pay for the number of holiday hours proportionate to their work schedules and also receive pay or compensatory leave for the hours actually worked.

Holiday Falls on
Scheduled Day Off

Not required to work

Employees will receive pay or be credited with compensatory leave, according to this policy, when the holiday falls on their scheduled day off (See Policy 3.10, Compensatory Leave).

Required to work

Employees will receive pay for the holiday and they will also be paid or credited with compensatory leave, according to this policy, for the hours actually worked if they work the holiday on their scheduled day off (See Policy 3.10, Compensatory Leave).

**Alternate Work
Schedules**

Full-time employees who work alternate work schedules (usually 9-, 10-, or 12-hour shifts) will receive compensation for the holiday equal to an eight-hour day. However, employees must use accrued leave or flex their schedule (with supervisor's approval) for the remainder of the workweek to cover their entire shift.

Not Required
to Work

Example: An employee's normal work schedule is 10 hours per day. The holiday falls on his work day. In order to receive full compensation for the work day, the employee will have to use 2 hours of accrued leave or flex his schedule during the remainder of the workweek to account for the 2 hours. If the 2 hours are not accounted for, the employee will then be placed in a non-pay status (LWOP) for those hours and risk loss of the holiday pay. Additionally, the employee will not be eligible to accumulate annual

HOLIDAYS

POLICY NO.: 4.25
EFFT. DATE: 08/16/93
REV. DATE: 06/30/06
REV. DATE: 06/10/07

Required to Work on a Holiday

or traditional sick leave during that pay period.

Full-time employees who work alternate work schedules may be scheduled to work more than eight hours on a holiday. Such employees are granted eight hours of pay for the holiday. See attached chart to determine if the employee will receive compensation (pay or compensatory leave) or need to use accrued leave.

NOTE: Eligible employees will be paid for the holiday; however:

- if the holiday falls on the employee's scheduled day off, the agency can determine whether to compensate the employee with pay or compensatory leave for the holiday hours;
- if the holiday falls on the employee's scheduled work day, but the employee does not work, agencies can determine whether to allow the employee to use leave to cover the absence, thus, accruing the holiday as compensatory leave to be used at a later date;
- if an employee works an alternate schedule (9-, 10-, 12-hour shifts) and doesn't complete his/her shift, the total of the holiday hours and work hours can be used to cover the scheduled work hours.

Effect on Overtime Pay

For FLSA non-exempt employees (eligible to receive overtime pay for hours physically worked over 40 in a workweek), only hours physically worked over 40 in any one workweek shall be compensated at the overtime rate, regardless of how many hours are worked on the holiday.

For non-exempt employees who work an alternate workweek, such as a 28-day work cycle, overtime hours will be calculated after the requisite workweek or work period has been completed.

LEAVES OF ABSENCE

Leave with Pay

Employees will not be charged accrued leave when a holiday occurs during leave with pay. Instead, the time will be recorded as a holiday, and no alternate holiday will be given. In addition to accrued leave, this includes absences for Bone Marrow Donation and Emergency/Disaster Leave.

Short-term Disability

Employees receiving short-term disability benefits receive holiday pay based on the percentage of income replacement they are receiving (100%, 80%, or 60%). If employees are receiving less than 100% income replacement, they can supplement with accrued leave

HOLIDAYS

POLICY NO.: 4.25
EFFT. DATE: 08/16/93
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REV. DATE: 06/10/07

to receive 100% of their pre-disability income for the holiday.

Holiday hours count towards the 7 calendar day waiting period for employees participating in the VSDP.

**Long-term
Disability-Working**

Employees on long-term disability-working receive holiday pay based on the percentage of time they are scheduled to work. Employee's on long-term disability-working, receiving an LTD benefit, may use accrued leave to supplement their disability benefit to receive 100% pre-disability income replacement for the holiday.

**Long Term
Disability**

Employees on long-term disability are not eligible to receive pay or leave for the holidays.

**Workers'
Compensation Leave**

Employees on Workers' Compensation leave (not VSDP) receive salary supplements provided by the Commonwealth (see Policy 4.60, Workers' Compensation). When a holiday occurs during the 92 calendar days supplement period, it will be counted as part of the 92 calendar days for which the supplements are payable and the employees will not receive an alternate day off for the holiday.

RESPONSIBILITY**DHRM**

Communicate holiday schedules and any additional holiday information to agencies in a timely manner.

Agency

Communicate the holiday schedule or alternate holiday schedule to employees in a timely manner.

Communicate the agency policy for compensating employees who work on holidays or who are on their rest day when the holiday occurs. Employees receive either pay or compensatory leave.

Employees

Ensure they have maintained enough leave to cover any absence that occurs the last scheduled workday before the holiday, and/or the first scheduled workday after the holiday. This includes any partial day holidays. (See FLSA information for exempt employees.)

AUTHORITY

The Department of Human Resource Management issues this policy pursuant to the authority provided in Chapter 12, Title 2.2 of the Code of Virginia.

INTERPRETATION

The Director of the Department of Human Resource Management is responsible for official interpretation of this policy, in accordance with Section 2.2-1201 of the Code of Virginia.

Questions regarding the application of this policy should be directed to the Department of Human Resource Management's

HOLIDAYS

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Office of Agency Human Resource Services.

The Department of Human Resource Management reserves the right to revise or eliminate this policy at any time.

**RELATED
POLICIES**

1.25, Hours of Work
3.10, Compensatory Leave
4.57, Virginia Sickness and Disability Program
4.60, Workers' Compensation

Attachment A

Calculating Holiday Compensation for Employees Working Alternate Work Schedules

Full-time employees who work alternate work schedules may be scheduled to work more than eight hours on a holiday. In most cases, such employees are paid their regular salaries for the scheduled hours, including eight hours of pay for the holiday. These employees may be eligible for additional pay or compensatory leave, or they may be required to use accrued leave, depending on the following formula:

Eight hours for the holiday are added to the number of hours worked by the employees. Then, the number of hours they were scheduled to work is subtracted from the total. If the result is positive, the employees receive the additional amount as compensatory leave or pay. If the result is negative, the employees are required to use accrued leave for that number of hours (unless the hours are made up through schedule adjusting). Employees with a negative result who do not have sufficient leave balances to cover the absence, or whose leave is not approved, are placed on leave without pay for the hours not covered by leave.

	Employee					
	A	B	C	D	E	F
8 Holiday hours	8	8	8	8	8	8
Plus (+) Hours Worked on the Holiday	0	2	4	8	12	6
Equals (=) Total	8	10	12	16	20	14
Minus (-) Hours Scheduled to Work	12	12	12	12	12	10
Equals = Hours of Leave Charged if Negative. Compensatory Leave Earned or Pay Owed if Positive	-4	-2	0	4	8	4

A, B – If the employee is scheduled 12 hours and works less than 4 hours, he/she is charged with leave.

C – If the employee works 4 hours, he/she is even – Nothing owed.

D, E – If the same employee works more than 4 hours, he/she receives comp. leave or pay for those hours over 4.

F – If the employee is scheduled 10 hours and works more than 2 hours, he/she receives comp leave or pay for those hours over 2.