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29 CFR 553.32

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## HOLIDAYS

### I. INTRODUCTION

This regulation sets forth the specific holiday benefits regular and temporary employees are eligible to receive. Holiday benefits for bargaining unit employees shall be governed by the provisions of the applicable collective labor agreement.

To receive the holiday benefits outlined in this regulation an eligible employee must be in a full or partial paid status on his or her regularly scheduled work day before the holiday and on the day the holiday falls. Paid status is defined as receiving compensation from the City through its payroll system for hours worked or for an approved paid leave.

In the event an employee calls in sick for his or her regularly scheduled shift prior to or following a holiday, the supervisor has the discretion to request a doctor's note in accordance to the City's sick leave regulation.

### II. PAID HOLIDAYS

The following holidays are paid in accordance with this regulation:

1. New Year's Day
2. Martin Luther King, Jr's Birthday
3. President's Day
4. Memorial Day

5. Juneteenth
6. Independence Day
7. Labor Day
8. Veteran's Day
9. Thanksgiving Day
10. Christmas Day
11. Floating holiday

Eligible holiday hours for *regular* employees are determined according to the following schedule.

<u>Standard Weekly Hours</u>	<u>Eligible Holiday Hours</u>
35 or more	8 holiday hours
29 – 34	6 holiday hours
19 – 28	4 holiday hours
18-hours or less	0 holiday hours

Eligible holiday hours for *temporary* employees are determined according to the following schedule.

<u>Standard Weekly Hours</u>	<u>Eligible Holiday Hours</u>
35 or more	8 holiday hours
29 – 34	6 holiday hours
20 – 28	4 holiday hours
19-hours or less	0 holiday hours

If a non-exempt or exempt employee's regular scheduled hours exceed the paid holiday hours the employee is eligible to receive per the above schedule, the employee has the following options:

- A. Use accrued vacation [regular employees only]
- B. Use accrued personal leave [temporary employees only]
- C. Use accrued compensatory time
- D. Flex his/her schedule within the same FLSA workweek with supervisor approval
- E. Take leave without pay

For example, if a full time employee is regularly scheduled to work 10 hours and is eligible for an 8-hour holiday, the employee has the option of accounting for the remaining two hours by using vacation/personal leave, compensatory time, taking leave without pay, or by working two additional hours within the same FLSA workweek with supervisor approval. Supervisors are encouraged, if business needs allow, to accommodate an employee's request to flex a work schedule. Sick leave shall not be used to make up the extra hours.

If an *exempt* employee has no vacation or compensatory time accrued and does not flex hours, the employee shall receive his/her regular salary. Under these circumstances the law prohibits any deductions being taken from the exempt employee's salary.

A paid holiday is computed at the employee's regular rate of pay. Except for floating holidays [Section V], a paid holiday in which the employee does not work shall be considered as time worked for the purpose of overtime or compensatory time calculations for both exempt and non-exempt employees.

In a job share situation, only the person regularly scheduled to work on the holiday is eligible for holiday pay.

Holidays occurring during an employee's approved vacation are treated as holidays and are not counted as vacation days.

Other than a floating holiday [Section V], employees shall not be compensated for unused holidays upon separation of employment.

### III. HOLIDAYS FALLING ON DAYS OFF

As a general rule for employees who work Monday through Friday, holidays falling on Saturday are observed on the preceding Friday and those falling on Sunday are observed on the following Monday. However, when a designated holiday falls on an employee's regularly scheduled day off, other than Saturday or Sunday, the employee shall receive straight compensatory time for the number of eligible holiday hours allowed, as listed in Section II. However, the employee shall not be permitted to exceed the compensatory time accrual limit or be paid for a holiday falling on a day off. If the employee has reached his or her accrual limit for compensatory time, the employee will forfeit the holiday benefit.

In a job share situation, if a holiday falls on a regularly scheduled day off for both job share individuals, then the number of holiday hours each employee is eligible to receive shall be based on the weekly standard hours each employee is scheduled to work. The combined number of holiday hours each individual is eligible to receive shall not exceed the number of eligible holiday hours for the position being shared. For example, Jane and Emma job share a Tuesday through Saturday 40-hour per week position. Jane works 8 hour shifts on Tuesdays, Wednesdays and Thursdays for a total of 24 hours per week. Emma works 8 hour shifts on Friday and Saturday for a total of 16 hours per week. Neither Jane nor Emma is regularly scheduled to work on Monday which is Labor Day. Because the holiday falls on both their days off and based on the schedule in Section II, Jane would receive 4 holiday hours and Emma would receive no holiday hours. If both Jane and Emma's standard weekly hours were 20, then both employees would receive 4 holiday hours.

#### IV. WORKING ON A HOLIDAY

Non-exempt employees who are required to work on the actual *or* observed [not both] holiday shall receive the number of eligible holiday hours listed in Section II and a holiday premium calculated at one and one-half (1 ½) times the employee's regular hourly rate of pay for each hour worked. The eligible hours of holiday pay or the actual hours worked, whichever is greater, are counted towards the FLSA workweek. The holiday premium shall not be awarded in compensatory time; however, Department Directors may, at their discretion, approve a future day off without pay to employees who were required to work on the holiday.

Non-exempt employees with standard working hours in the City's timekeeping system that requires them to work both the actual holiday and the observed holiday are only eligible to receive holiday pay and the holiday premium for the hours worked on the actual holiday.

Non-exempt employees who take an observed holiday and work on the actual holiday shall receive their eligible holiday hours for the observed holiday and straight time for the hours worked on the holiday. For example, the 4<sup>th</sup> of July is on a Saturday and the observed holiday is on Friday, July 3<sup>rd</sup>. A full-time non-exempt employee who works Monday through Friday gets the observed holiday July 3<sup>rd</sup> off, but is required to work on the actual holiday Saturday, July 4<sup>th</sup>. In this case the employee has already received his or her 8 eligible hours of holiday pay for July 3<sup>rd</sup>; therefore, the hours worked on the actual holiday July 4<sup>th</sup> will be considered normal work hours and are not eligible for the additional holiday premium pay. All hours worked over 40 in the employee's FLSA workweek, including the eligible holiday hours received on the observed holiday and the hours worked on the actual holiday, will count toward the FLSA workweek.

An eligible exempt employee who is required by his or her supervisor to work on a holiday shall receive the employee's regular salary and straight compensatory time for each hour worked over 40, including the holiday, in their FLSA workweek. The employee shall not be permitted to exceed the compensatory time accrual limit for exempt employees.

When an employee's shift crosses midnight creating hours worked in two calendar days, the shift that begins on the holiday will count as the holiday.

Temporary (including rec temps) and regular employees that are not eligible for paid holidays are eligible to receive one and one-half (1 ½) their regular hourly rate for all hours worked on an actual (not observed) holiday.

#### V. FLOATING HOLIDAY

In January of each year, regular employees receive a floating holiday that can be used, with supervisor approval, through December 31 of the same year. Floating holidays for new regular employees will be loaded into their leave bank within the first two weeks of employment. Thereafter, the floating holiday will be available in January of each year. The exact date may fluctuate due to payroll schedules.

Employees who leave City employment will be paid for an unused floating holiday. Supervisor approval is required regarding the date the floating holiday is used. Approval will be based on workload and other business needs.

Temporary employees are not eligible to receive the floating holiday.

A floating holiday is the equivalent of four, six or eight hours according to Section II of this regulation. A floating holiday shall not be considered as time worked for the purpose of overtime or compensatory time calculations. A floating holiday may be used in increments and shall not be carried over to the next year.