HRDG 4610 - Tours of Duty - Section F

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Tours of Duty
Section F - Scheduling Days Off for Federal Holidays

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Federal Holidays

Holiday:	Date:
New Year's Day	January 1
Martin Luther King Jr's Birthday	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Juneteenth National Independence Day	June 19
Independence Day	July 4
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Christmas Day	December 25

Special Holidays

- Inauguration Day (for Washington, D.C., Metropolitan area only).
- Any day designated a holiday by Federal Statute or Executive Order.

Full-time Employees

Employees will not report to work on Federal holidays unless required to do so by their supervisor. Days off for Federal holidays for full-time employees are scheduled as follows:

When a holiday falls on :	Then the holiday will be observed on:
Any day of the employee's basic workweek	That day.
An employee's nonworkday	On the previous work day.

Full-time Employees on First-40-Hour Tours

First-40-hour employees must have their basic workweek scheduled before the start of the administrative workweek. Although the basic workweek is considered the first 40 hours worked, the supervisor or manager must establish the specific days of the week on which the hours will be worked. Employees must have at least one scheduled day off per week, preferably two.

In every case the 8-hour holiday becomes part of the employee's 40-hour tour of duty. A supervisor may not reschedule a basic workweek for the primary purpose of either including or excluding a holiday from the basic first 40 hours.

Days Off for Holidays for First-40-Hour Full-time Employees

Days off for holidays will be scheduled as follows:

When a holiday falls on:	Then:
Any day of the employee's basic workweek	That day is designated as the holiday.
Sunday and the basic workweek does not include Sunday	The subsequent workday is designated as the holiday.
Saturday and the basic workweek does not include Saturday	The preceding workday is designated as the holiday.
A workday other than the scheduled holiday and the employee is prevented from working on that day	That day becomes the employee's holiday. *

* Example: A holiday falls on Saturday but regular full-time employees are given Friday off as their holiday. The office is closed on Friday so a first-40-hour employee whose tour of duty is Tuesday through Saturday is prevented from working on Friday. Friday becomes his/her holiday and he/she reports for work on Saturday.The employee will receive regular compensation (not holiday pay) for Saturday.

A part-time employee is entitled to be excused from work on any holiday that falls on a day included in the regularly scheduled tour of duty.

A part-time employee is not entitled to a day off when a holiday falls on one of the nonworkdays. Therefore, there is no “in lieu of” holiday for part-time employees.

Part-time Employees

If a part-time employee is prevented from working, due to a holiday, or some day other than the holiday, the day the employee is prevented from working will be the holiday. An employee does not receive 2 days off because he/she ,may be prevented from working on a day other than the holiday.

Example: If Saturday is the holiday and the employee is scheduled to work both on Friday and Saturday but is prevented from working on Friday, then Friday is deemed to be the holiday and not Saturday. In this case, he/she is excused from work on Friday but must work on Saturday.

Determining "In Lieu of" Holidays for Full-time Employees on Flexible or Compressed Work Schedules

For the purpose of statutes relating to pay and leave of employees, with respect to a legal public holiday and any other day declared to be a holiday by Federal statute or Executive order, the following applies:

- **Nonworkdays Other Than Sunday** - If a holiday falls on a nonworkday of the employee (except for holidays falling on a Sunday nonworkday) the employee's preceding workday will be the designated “in lieu of” holiday (5 U.S.C. 6103).
- **Sunday Nonworkday** - If the holiday falls on the Sunday nonworkday of an employee, the subsequent workday will be the employee's designated “in lieu of” holiday. (Section 3, Executive Order 11582, February 11, 1971).
- **Part-time employees** - Part-time employees are not entitled to an “in lieu of” holiday when a holiday falls on a nonworkday for the employee (5 CFR 610.405).

Exception: The Administrator of an agency may prescribe rules under which a different “in lieu of” holiday is designated than would be required under 5 U.S.C. 6103(b), E.O. 11582, or the terms of any collective bargaining agreement, for full-time employees on compressed work schedules when it is determined that a different “in lieu of “ holiday is necessary to prevent an “adverse Agency impact.”

Adverse Agency Impact (5 U.S.C. 6131[b]) means the following:

- Reduction of productivity of the agency;
- A diminished level of services furnished to the public by the agency; or
- An increase in the cost of agency operations(other than a reasonable administrative cost relating to the process of establishing a flexible or compressed work schedule).

An employee may not elect to move his/her nonworkday to another day of the week, nor may an employee be required to move his/her regularly scheduled off day solely to change holiday pay/leave entitlements.

Employees who emulate compressed schedules under maxiflex may reschedule their tour for any pay period in which a holiday falls on their scheduled day off. In all cases the holiday will remain as the holiday. Full-time employees are only allowed 8 hours administrative leave for any holiday (5 USC 6124).

Example: Edie Employee has the following schedule under maxiflex:

	Mon	Tues	Wed	Thurs	Fri
Week 1	9 hours	9 hours	9 hours	9 hours	9 hours
Week 2	Off	9 hours	9 hours	9 hours	8 hours

Holidays for Employees on Maxiflex Schedules

During a certain pay period, a holiday occurs on the second Monday of the pay period. Edie requests to reschedule her work hours for the pay period as follows:

	Mon	Tues	Wed	Thurs	Fri
Week 1	9 hours	9 hours	9 hours	9 hours	9 hours
Week 2	Holiday (8 hours administrative leave)	9 hours	9 hours	9 hours	Off

Edie may also choose to work 1 hour longer on another day to still have an 8 hour day on Friday.

	Mon	Tues	Wed	Thurs	Fri
Week 1	9 hours	9 hours	9 hours	9 hours	8 hours
Week 2	Holiday (8 hours administrative leave)	9 hours	9 hours	10 hours	Off

Who is Eligible for an In Lieu of Holiday?

Only full-time employees are entitled to an in-lieu of holiday when a holiday falls on a non-workday.

Permanent, temporary, and term employees are eligible for an in-lieu of holiday on the first day of their appointment.

Part-time employees are not eligible for an in-lieu of holiday when a holiday falls on a non-workday.

Intermittent employees may not receive pay when no work is done on a holiday.

Changing In Lieu of Holidays

Holidays and in-lieu of holidays are mandated by statute and Executive Order. In lieu of holidays occur when the holiday falls on a non-workday. For example, an employee works Monday through Friday and the holiday falls on a weekend day, e.g., Sunday. The in lieu of holiday becomes Monday. Holidays are determined based on an employee's scheduled tour of duty. For this reason, in lieu of holidays may not be changed. The exception becomes the maxiflex tour of duty where, due to the tour's flexibility, an employee may request to change their day(s) off under the tour.

For example, an employee's non-workdays are Saturday and Sunday. The holiday falls on Saturday and the in lieu of holiday is Friday of the prior workweek. Normally, the employee's day off under maxiflex is on Friday. The employee may change their day off to Wednesday. The in lieu of holiday remains Friday.

In Lieu of Holiday in a Previous Pay Period	If the holiday falls on an employee’s non-workday, then the in-lieu of holiday is the workday immediately before the holiday (unless an exception applies). This could result in the in-lieu of holiday occurring in the previous pay period. For example, an employee’s regular workdays are Tuesday through Saturday, and non-workdays are Sunday and Monday. If the holiday falls on Monday, then the employee’s in-lieu of holiday is Saturday in the prior workweek (even if that Saturday fell in a prior pay period)

Determining the Holiday If You Have Two Non-Workdays

Use the tables below to determine your holiday. Find the line that shows your regular workdays and regular non-workdays (NW) and the yellow highlighted day is your holiday.

Holiday Falls on SUNDAY:

Regular Workdays	Sun	Mon	Tues	Wed	Th.	Fri	Sat
Mon – Fri	NW	H	8	8	8	8	NW
Tue – Sat	NW	NW	H	8	8	8	8
Wed – Sun	H	NW	NW	8	8	8	8
Th. – Mon	H	8	NW	NW	8	8	8
Fri – Tue	H	8	8	NW	NW	8	8
Sat – Wed	H	8	8	8	NW	NW	8
Sun – Th.	H	8	8	8	8	NW	NW

Holiday Falls on MONDAY:

Regular Workdays	Sun	Mon	Tues	Wed	Th.	Fri	Sat
Mon – Fri	NW	H	8	8	8	8	NW
Tue – Sat	NW	NW	8	8	8	8	H
Wed – Sun	8	NW	NW	H*	8	8	8
Th. – Mon	8	H	NW	NW	8	8	8
Fri – Tue	8	H	8	NW	NW	8	8
Sat – Wed	8	H	8	8	NW	NW	8
Sun – Th.	8	H	8	8	8	NW	NW

Holiday Falls on TUESDAY:

Regular Workdays	Sun	Mon	Tues	Wed	Th.	Fri	Sat
Mon – Fri	NW	8	H	8	8	8	NW
Tue – Sat	NW	NW	H	8	8	8	8
Wed – Sun	8	NW	NW	H*	8	8	8
Th. – Mon	8	H	NW	NW	8	8	8
Fri – Tue	8	8	H	NW	NW	8	8
Sat – Wed	8	8	H	8	NW	NW	8
Sun – Th.	8	8	H	8	8	NW	NW

*An agency may designate a different non-workday in-lieu of Sunday (E.O. 11582). Therefore, when a holiday falls on Monday or Tuesday, and Sunday is the regular workday, the in-lieu of holiday is observed on Wednesday (An employee may work on Sunday and will not lose the Sunday differential).

Holiday Falls on WEDNESDAY:

Regular Workdays	Sun	Mon	Tues	Wed	Th.	Fri	Sat
Mon – Fri	NW	8	8	H	8	8	NW
Tue – Sat	NW	NW	8	H	8	8	8
Wed – Sun	8	NW	NW	H	8	8	8
Th. – Mon	8	H	NW	NW	8	8	8
Fri – Tue	8	8	H	NW	NW	8	8
Sat – Wed	8	8	8	H	NW	NW	8
Sun – Th.	8	8	8	H	8	NW	NW

Holiday Falls on THURSDAY:

Regular Workdays	Sun	Mon	Tues	Wed	Th.	Fri	Sat
Mon – Fri	NW	8	8	8	H	8	NW
Tue – Sat	NW	NW	8	8	H	8	8

Determining the Holiday If You Have Three Non-Workdays

Use the tables below to determine your holiday. Find the line that shows your regular workdays and regular non-workdays (NW) and the yellow highlighted day is your holiday.

Holiday Falls on SUNDAY:

Regular Workdays	Sun	Mon	Tues	Wed	Th.	Fri	Sat
Mon – Thurs	NW	H	10	10	10	NW	NW
Tue – Fri	NW	NW	H	10	10	10	NW
Wed – Sat	NW	NW	NW	H	10	10	10
Th. – Sun	H	NW	NW	NW	10	10	10
Fri – Mon	H	10	NW	NW	NW	10	10
Sat – Tues	H	10	10	NW	NW	NW	10
Sun – Wed	H	10	10	10	NW	NW	NW

Holiday Falls on MONDAY:

Regular Workdays	Sun	Mon	Tues	Wed	Th.	Fri	Sat
Mon – Thurs	NW	H	10	10	10	NW	NW
Tue – Fri	NW	NW	10	10	10	H	NW
Wed – Sat	NW	NW	NW	10	10	10	H
Th. – Sun	10	NW	NW	NW	H*	10	10
Fri – Mon	10	H	NW	NW	NW	10	10
Sat – Tues	10	H	10	NW	NW	NW	10
Sun – Wed	10	H	10	10	NW	NW	NW

Holiday Falls on TUESDAY:

Regular Workdays	Sun	Mon	Tues	Wed	Th.	Fri	Sat
Mon – Thurs	NW	10	H	10	10	NW	NW
Tue – Fri	NW	NW	H	10	10	10	NW
Wed – Sat	NW	NW	NW	10	10	10	H
Th. – Sun	10	NW	NW	NW	H*	10	10
Fri – Mon	10	H	NW	NW	NW	10	10
Sat – Tues	10	10	H	NW	NW	NW	10
Sun – Wed	10	10	H	10	NW	NW	NW

Holiday Falls on WEDNESDAY:

Regular Workdays	Sun	Mon	Tues	Wed	Th.	Fri	Sat
Mon – Thurs	NW	10	10	H	10	NW	NW
Tue – Fri	NW	NW	10	H	10	10	NW
Wed – Sat	NW	NW	NW	H	10	10	10
Th. – Sun	10	NW	NW	NW	H*	10	10
Fri – Mon	10	H	NW	NW	NW	10	10
Sat – Tues	10	10	H	NW	NW	NW	10
Sun – Wed	10	10	10	H	NW	NW	NW

*An agency may designate a different non-workday in-lieu of Sunday. Therefore, when a holiday falls on Monday or Tuesday, and Sunday is the regular workday, the in-lieu of holiday is observed on Wednesday (an employee may work on Sunday and will not lose the Sunday differential).

Holiday Falls on THURSDAY:

Regular Workdays	Sun	Mon	Tues	Wed	Th.	Fri	Sat
Mon – Thurs	NW	10	10	10	H	NW	NW

Holidays for Employees at Duty Posts Outside the United States	Whenever Monday is designated as a holiday under 5 U.S.C. 6103(a), the first regularly scheduled workday in the week is the holiday for a Federal employee working overseas whose basic workweek includes Monday, but is not the typical Monday through Friday work schedule that is found in the U.S. This will have the effect of providing 3-day weekends (Friday, Saturday, and Sunday) for employees working overseas whose basic workweek is Sunday through Thursday. (P.L. 105-261, Strom Thurmond National Defense Authorization Act, 1999, effective 10/17/98).

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