

PT-804

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In Lieu of Holidays Determining Holidays under Alternative Work Schedules

References

- 5 U.S.C. 6103, 6131
- Executive Order 11582

COMPRESSED WORK SCHEDULE (CWS)

- When a holiday falls on a regularly scheduled workday, that day is the employee's holiday and is comprised of the number of hours regularly scheduled for work.
- An employee who is required to work on a holiday that is a regularly scheduled workday is not entitled to an in lieu of holiday. The employee is entitled to holiday premium pay for the number of hours he or she is scheduled to work during his regularly scheduled tour of duty (5 CFR 610.407(a)).
- When a holiday falls on a nonworkday and:
 - is a Sunday, the employee's in lieu of holiday is the first regularly scheduled workday following the Sunday holiday.
 - is not a Sunday, the employee's in lieu of holiday is the last regularly scheduled workday preceding the holiday.

Agency Rules

Under 5 U.S.C. 6103(d), agency heads may designate a different in lieu of holiday than that designated under 5 U.S.C. 6103(b), E.O. 11582, or the terms of any collective bargaining agreement, for full-time employees under compressed work schedules, when it has been determined that a different in lieu of holiday is necessary to prevent an

“adverse agency impact.” The term “adverse agency impact” is defined in 5 U.S.C. 6131(b) as (1) a reduction of the productivity of the agency; (2) a diminished level of services furnished to the public by the agency; or (3) an increase in the cost of agency operations.

Example of Determining Holidays under CWS

- An employee’s administrative workweek is Tuesday through Friday. If a holiday falls on Sunday, the employee’s in lieu of holiday is the following Tuesday.
- An employee’s administrative workweek is Tuesday through Friday. If a holiday falls on Monday, the employee’s in lieu of holiday is the preceding Friday.

FLEXIBLE WORK SCHEDULE

- When a holiday falls on a regularly scheduled workday, that day is the employee’s holiday and is comprised of eight hours.
- An employee who is required to work on a holiday that is a regularly scheduled workday is not entitled to an in lieu of holiday and receives holiday premium pay for up to eight hours of holiday work.
- When a holiday falls on a nonworkday and:
 - is a Sunday, the first regularly scheduled workday following the Sunday-holiday is the employee’s in lieu of holiday.
 - is not a Sunday, the last regularly scheduled workday preceding the holiday is the employee’s in lieu of holiday.
 - is a day the employee has chosen as a nonworkday, that day remains the holiday and the employee must select another nonworkday.

Example of Determining Holidays under FWS

- An employee’s administrative workweek is Monday through Friday and a holiday falls on Sunday, therefore the employee’s in lieu of holiday is the following Monday.
- An employee’s administrative workweek is Thursday through Monday; Tuesday and Wednesday are nonworkdays. If a holiday falls on Wednesday, the employee’s in lieu of holiday is the preceding Monday.

- An employee's administrative workweek is Monday through Friday. If a holiday falls on a Friday which is the employee's regular day off, Friday is the employee's holiday and another day is chosen as the employee's regular day off.