

“IN LIEU OF” HOLIDAYS

INTRODUCTION

This document establishes guidance on the management of “in lieu of” holidays for employees on compressed work schedules and flexible work schedules.

COMPRESSED WORK SCHEDULES (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 basic pay plus holiday premium pay at a rate equal to basic pay, for the work that is not in excess of the employee’s compressed work schedule for that day. For hours worked on a holiday in excess of the compressed work schedule, a full-time employee is entitled to overtime pay under applicable provisions of law and a part-time employee is entitled to straight time pay or overtime pay, depending on whether the excess hours are nonovertime hours or overtime hours (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

The head of an agency may determine that a different “in lieu of” holiday is necessary to prevent an “adverse agency impact,” and he or she may designate a different “in lieu of” holiday for full-time employees. 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 (other than a reasonable administrative cost relating to the process of establishing a flexible or compressed schedule).

DETERMINING “IN LIEU OF” HOLIDAY EXAMPLES UNDER CWS

- A full-time employee’s administrative workweek is Tuesday through Friday. If a holiday falls on Saturday, the employee’s “in lieu of” holiday is the preceding Friday.
- A full-time 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.
- A full-time 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 SCHEDULES (FWS)

- If a holiday falls on a regularly scheduled workday for a full-time FWS employee, that day is the employee’s holiday and is comprised of eight hours.
- If a holiday falls on a day during a part-time FWS employee’s tour of duty, the employee is entitled to his or her rate of basic pay for the typical, average, or scheduled number of hours of work for that day toward his or her basic work requirement (not to exceed 8 hours).
- A full-time FWS 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.
- A part-time FWS employee is entitled to basic pay for the number of hours scheduled for the holiday, not to exceed 8 hours. When a holiday falls on a nonworkday of a part-time employee, there is no entitlement to pay for an “in lieu of” holiday (5 U.S.C. 6124 and 5 CFR 610.405).
- When a holiday falls on a nonworkday for a full-time employee 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.

DETERMINING “IN LIEU OF” HOLIDAY EXAMPLES UNDER FWS

- A full-time 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.
- A full-time 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.
- A full-time 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.

REFERENCES

- 5 U.S.C. 6103, 6131
- 5 CFR Part 610 - Hours of Duty
- Executive Order 11582, February 11, 1971
- OPM Fact Sheet: Federal Holidays - Work Schedules and Pay
- OPM Fact Sheet: Flexible Work Schedules
- OPM Handbook on Alternative Work Schedules
- OPM Appropriated Fund Operating Manual, Subchapter S8-4d, Pay for Holidays
- DoD Instruction Number 1400.25, Volume 610, DoD Civilian Personnel Management System: Hours of Duty
- DoD Instruction Number 1400.25, Volume 1261, DoD Civilian Personnel Management System: Observance of Holidays in Foreign Areas

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