

# Pay & Leave

## PAY ADMINISTRATION

### Fact Sheet: Federal Holidays – Work Schedules and Pay

#### Introduction

Most Federal employees are entitled to paid holiday time off when excused from duty on a designated holiday. Designated holidays include official Federal holidays (5 U.S.C. 6103(a)) or “in lieu of” holidays, as applicable; Presidential Inauguration Day, where applicable (specific to the Washington, DC, area); and Federal holidays declared by Executive order, which are treated as holidays for pay and leave purposes. Most Federal employees are entitled to holiday premium pay when they are required to work during designated holiday hours.

This fact sheet applies to employees who are covered by the holiday and premium pay provisions in title 5, United States Code.

NOTE 1: Employees who receive annual premium pay for standby duty under 5 U.S.C. 5545(c)(1) and firefighters who are covered by the special pay provisions of 5 U.S.C. 5545b are not entitled to paid holiday time off or holiday premium pay. (See 5 CFR 550.163(a) and 550.1306(a) and 56 Comp. Gen. 551 (1977).)

NOTE 2: Employees with an intermittent work schedule are not entitled to paid holiday time off or holiday premium pay. (See 5 CFR 340.401(b); the definitions of “holiday work,” “regularly scheduled administrative workweek,” and “tour of duty” in 5 CFR 550.103; and 5 CFR 550.131.)

#### Designation of Holidays

#### Holidays for Federal Employees

- New Year’s Day (January 1).
- Birthday of Martin Luther King, Jr. (Third Monday in January).
- Washington’s Birthday (Third Monday in February).
- Memorial Day (Last Monday in May).
- Independence Day (July 4).
- Labor Day (First Monday in September).
- Columbus Day (Second Monday in October).

- Veterans Day (November 11).
- Thanksgiving Day (Fourth Thursday in November).
- Christmas Day (December 25).

## **Presidential Inauguration Day**

Federal employees in the Washington, DC area are entitled to a holiday on the day a President is inaugurated on January 20<sup>th</sup> (except as explained below) for each fourth year after 1965 (see 5 U.S.C. 6103(c)) (i.e., following a Presidential election)—if they would be otherwise scheduled to work on Inauguration Day within the “Inauguration Day Area.” The “Inauguration Day Area” is defined as—

1. the District of Columbia;
2. Montgomery and Prince Georges Counties in Maryland;
3. Arlington and Fairfax Counties in Virginia; and
4. the cities of Alexandria, Falls Church, and Fairfax in Virginia.

The Inauguration Day holiday is provided for the purposes of reducing traffic and facilitating local attendance at the inauguration ceremony. Thus, the holiday is limited to employees “employed in” (i.e., scheduled to work in) the Inauguration Day Area. Accordingly, there are circumstances where employees are not entitled to the Inauguration Day holiday —

- Employees in the Inauguration Day Area who are not otherwise scheduled to work on Inauguration Day will not receive the holiday or an “in lieu of” holiday. There is no “in lieu of” holiday when Inauguration Day falls on a nonwork day.
- Employees who are scheduled to telework at locations outside the Inauguration Day Area on Inauguration Day will not receive the holiday, even if their official worksites are in the Inauguration Day area. Such employees are expected to telework or request leave for the day. (Note: This generally applicable policy has been modified for the January 20, 2021, Inauguration Day, since COVID-19 is preventing many employees from working in the Inauguration Day area who would have otherwise worked in that area. See guidance provided in the OPM memorandum issued in connection with the January 20, 2021, Inauguration Day holiday.)
- Employees who are in travel status away from the Inauguration Day Area on Inauguration Day will not receive the holiday, even if their official worksites are in the Inauguration Day area. Such employees are expected to work at their temporary duty site outside of the Inauguration Day area.

Note: The holiday applies to employees who, while in official travel status, would otherwise be scheduled to work in the Inauguration Day Area on Inauguration Day. This applies even if the employee's official worksite is not within the Inauguration Day area.

If January 20<sup>th</sup> falls on a Sunday, the next succeeding day (i.e., Monday, January 21<sup>st</sup>) is designated as the public observance of the inauguration of the President and thus becomes the legal holiday of Inauguration Day.

If an Inauguration Day on January 21<sup>st</sup> is already designated as a legal holiday under 5 U.S.C. 6103 (Birthday of Martin Luther King, Jr. - 3<sup>rd</sup> Monday in January), no additional holiday is provided. In this case, employees will receive a holiday under the normal rules that apply to the Birthday of Martin Luther King, Jr., holiday.

If January 20<sup>th</sup> falls on a Saturday, Inauguration Day is observed on the Saturday. There is no "in-lieu-of" Inauguration Day holiday. Only employees scheduled to work in the Inauguration Day area on the Saturday, January 20<sup>th</sup>, may be excused from duty and provided with paid holiday time off. Inauguration Day is not observed on another day.

### **"In Lieu of" Holidays**

All full-time employees, including those on flexible or compressed work schedules, are entitled to an "in lieu of" holiday when a holiday falls on the employee's nonworkday. Part-time employees are not entitled to an "in lieu of" holiday. If an agency's office or facility is closed due to an "in lieu of" holiday for full-time employees, the agency may grant paid excused absence to part-time employees who are otherwise scheduled to work on that day. (See 63 Comp. Gen. 306 (1984).)

An employee is not entitled to another day off as an "in lieu of" holiday if a Federal office or facility is closed on a holiday because of a weather emergency or when employees are furloughed on a holiday.

For further information regarding the determination of "in lieu of" holidays, please see our fact sheet: ["Federal Holidays—'In Lieu Of' Determination."](#)

### **Two (or more) Holidays in One Pay Period**

Occasionally, two (or more) holidays will fall within the same pay period. A full-time employee on a flexible work schedule is entitled to 8 hours of pay on a holiday when the employee does not work. (See 5 U.S.C. 6124.) Therefore, when two (or more) 8-hour holidays fall within the same pay period, a full-time employee on a 5/4-9 flexible schedule (or other flexible schedules under which employees work more than 8 hours a day) must make arrangements to work extra hours during other regularly scheduled workdays (or take annual leave or use credit hours or compensatory time off) in order to fulfill the 80-hour biweekly work requirement.

## **Holidays for Employees Outside the United States**

For employees at duty posts outside the United States who are regularly scheduled to work on Monday, holidays designated by law to occur on Monday (i.e., Birthday of Martin Luther King, Jr., Washington's Birthday, Memorial Day, Labor Day, and Columbus Day) are moved to the preceding Sunday. This applies to employees whose basic workweek is Sunday through Thursday. It does not apply to employees whose basic workweek is Monday through Friday or Monday through Saturday. This rule does not apply to "in lieu of" holidays. (See 5 U.S.C. 6103(b)(3).)

## **Holiday Tour of Duty**

The tour of duty that commences (i.e., begins) on the calendar holiday is considered the holiday tour of duty. This applies to any employee (including part-time employees) who has a workday (regularly scheduled daily tour) that covers a portion of two calendar days (i.e., overlapping tour consisting of part of a holiday calendar day and part of a non-holiday calendar day). The entire tour of duty (i.e., scheduled workday) that began on the holiday will be treated as a holiday tour of duty. The holiday premium pay or paid holiday time off rules will be applied to the holiday tour of duty that commenced on the calendar holiday. (See section 5 of Executive Order 11582.)

If an employee has two basic workdays (i.e., two basic scheduled tours of duty) that overlap a single holiday, the employee is entitled to a holiday only for the tour of duty that commences (i.e., begins) on the holiday. The entire workday that begins on the holiday must be treated as if it fell on the holiday.

A tour of duty that commences on a non-holiday and ends on the holiday would not be a holiday tour of duty. This tour of duty shall be considered a non-holiday tour of duty. An employee is not entitled to receive holiday premium pay or paid holiday time off for any portion of the tour of duty that falls within the calendar holiday when the tour or duty (i.e., workday) did not commence (i.e., begin) on the holiday.

(See sections 3, 4, 5, and 6 for full-time employees with a basic workweek and sections 5 and 6 for part-time employees of E.O. 11582, February 11, 1971.) If a full-time employee has no daily tour of duty that commences on a given holiday, the employee is entitled to an "in lieu of" holiday. (See above section and the [fact sheet: "Federal Holidays—'In Lieu Of' Determination."](#))

## **Pay on a Holiday**

Employees who are excused from duty on a designated holiday (i.e., paid holiday time off) receive their rate of basic pay for the applicable number of holiday hours that are part of a holiday tour of duty. If an employee's daily tour of duty includes parts of two calendar days, the tour commencing on the designated holiday is a holiday tour of duty (see above section "Holiday

Tour of Duty”), and, in the case of a full-day holiday, the entire tour is considered to be on the given holiday; however, in the case of a half-day holiday, only part of the tour will be considered to be on the given holiday, as described in the sections for Full-time Employees and Part-time Employees below.

## **Full-time Employees**

Full-time employees who are not required to work on a holiday receive their rate of basic pay for the applicable number of holiday hours—i.e., hours during the employee’s holiday tour of duty.

### *Standard (40-Hour/5-Day Week) Work Schedules.*

On a holiday, full-time employees under a standard work schedule are generally excused from 8 hours of nonovertime work, which are considered part of the 40-hour basic workweek. In the event the President issues an Executive order granting a “half-day” holiday, a full-time employee on a standard work schedule is credited with 4 holiday hours.

### *Flexible Work Schedules.*

On a holiday, full-time employees under flexible work schedules are credited with 8 hours towards their 80-hour basic work requirement for the pay period. Employees under flexible work schedules are credited with 8 holiday hours even if they would otherwise work more hours on that day. In the event the President issues an Executive order granting a “half-day” holiday, a full-time employee on a flexible work schedule is credited with half the number of hours he or she was scheduled to work, not to exceed 4 hours. (See 5 U.S.C. 6124 and the definition of “basic work requirement” in 5 U.S.C. 6121(3).)

### *Compressed Work Schedules.*

On a holiday, full-time employees under compressed work schedules are generally excused from all of the nonovertime hours they would otherwise work on that day—that is, their “basic work requirement” hours. For example, if a holiday falls on a 9- or 10-hour basic workday, the employee’s holiday is 9 or 10 hours, respectively. In the event the President issues an Executive order granting a “half-day” holiday, a full-time employee on a compressed work schedule is entitled to basic pay for half the number of hours he or she would otherwise work on that day. (See 5 CFR 610.406(a).)

## **Part-time Employees**

A part-time employee is entitled to a holiday when the employee’s daily tour of duty commences on a calendar holiday. This does not include overtime work. Part-time employees are not entitled

to an “in lieu of” holiday. Part-time employees who are excused from work on a holiday receive their rate of basic pay for the applicable number of holiday hours.

#### *Standard (8 or Less Fixed Hours Per Day) Work Schedules.*

On a holiday, part-time employees under standard work schedules are generally excused from duty for the number of basic (nonovertime) hours they are regularly scheduled to work on that day, not to exceed 8 hours. In the event the President issues an Executive order granting a “half-day” holiday, a part-time employee on a standard work schedule is excused from duty for half the number of hours in his or her basic (nonovertime) workday, not to exceed 4 hours.

#### *Flexible Work Schedules.*

On a holiday, part-time employees under a flexible work schedule are generally excused from duty for the number of hours of their “basic work requirement” (i.e., nonovertime hours) on that day, not to exceed 8 hours. (See 5 CFR 610.405.) In the event the President issues an Executive order granting a “half-day” holiday, a part-time employee on a flexible work schedule is generally excused from duty for half the number of hours in his or her “basic work requirement” on that day, not to exceed 4 hours.

#### *Compressed work schedules.*

On a holiday, part-time employees under a compressed work schedule are generally excused from all of the hours of their compressed work schedules (i.e., “basic work requirement”) on that day. (See 5 CFR 610.406(b).) In the event the President issues an Executive order granting a “half-day” holiday, a part-time employee on a compressed work schedule is generally excused from half of the hours of his or her compressed work schedule on that day.

### **Effect of Being in Pay or Non-Pay Status Before or After the Holiday**

Employees must be in a pay status or a paid time off status (i.e., leave, compensatory time off, compensatory time off for travel, or credit hours) on their scheduled workdays either before or after a holiday in order to be entitled to their regular pay for that day. The minimum time in a pay status required to receive regular paid holiday time off is one hour.

Employees who are in a non-pay status for the workdays immediately before and after a holiday may not receive compensation for that holiday.

### **New Appointments**

New employees whose effective date of appointment on their SF-50 is on a Sunday or another day that is immediately followed by a holiday are entitled to paid holiday time off, if they work at least one hour on either the day before **or** after the holiday. The holiday must be part of an

employee's basic administrative work schedule. If an employee's date of appointment takes effect after the holiday, the holiday was not part of employee's work schedule for the pay period, and the employee has no entitlement to paid holiday time off.

## **Holiday Work**

"Holiday work" means nonovertime work performed by employees during their regularly scheduled daily tour of duty on a holiday. (See 5 CFR 550.103.) (See above section entitled "Holiday Tour of Duty" regarding the treatment of a regularly scheduled daily tour that covers a portion of two calendar days (i.e., overlapping tour consisting of part of a holiday calendar day and part of a non-holiday calendar day) as being "on" a holiday only if the tour commences on the calendar holiday, as provided by Executive Order 11582.)

## **Holiday Premium Pay**

For each hour of holiday work, employees receive holiday premium pay in addition to their rate of basic pay. Holiday premium pay is equal to an employee's rate of basic pay. Employees who are required to work on a holiday receive their rate of basic pay, plus holiday premium pay, for each hour of holiday work—i.e., double or 200 percent of their rate of basic pay. (See 5 U.S.C. 5546(b) and 5 CFR 550.131(a); and, for Federal Wage System employees, 5 CFR 532.507(a).)

Employees who are required to perform any work during basic (nonovertime) holiday hours are entitled to a minimum of 2 hours of holiday premium pay. (See 5 U.S.C. 5546(c) and 5 CFR 550.131(c); and, for Federal Wage System employees, 5 CFR 532.507(c).)

### *Standard Work Schedules.*

Employees are entitled to holiday premium pay if they are required to work on a holiday during their regularly scheduled nonovertime basic tours of duty, not to exceed 8 hours. In the event the President issues an Executive order granting a "half-day" holiday, an employee on a standard work schedule is entitled to holiday premium pay for work during the last half of their basic workday—i.e., 4 hours for a full-time employee and half of the scheduled part-time daily tour (not to exceed 4 hours) for a part-time employee.

### *Flexible Work Schedules.*

Employees under flexible work schedules are entitled to holiday premium pay if they are required to work during the hours of their "basic work requirement" (i.e., nonovertime hours) on that day, not to exceed 8 hours. In the event the President issues an Executive order granting a "half-day" holiday, employees on a flexible work schedule are entitled to holiday premium pay for work during the last half of their "basic work requirement" (i.e., nonovertime hours) on that day, not to exceed 4 hours.

### *Compressed Work Schedules.*

Employees under compressed work schedules are entitled to holiday premium pay if they are required to work during their “basic work requirement” on that day. The number of hours of holiday premium pay may not exceed the hours in an employee’s compressed work schedule for that day (e.g., 8, 9, or 10 nonovertime hours). (See 5 CFR 610.407.) In the event the President issues an Executive order granting a “half-day” holiday, employees on a compressed work schedule are entitled to holiday premium pay for work during the last half of their “basic work requirement” (i.e., nonovertime hours) on that day.

Part-time employees do not receive holiday premium pay for working on an “in lieu of” holiday for full-time employees.

### **Holiday Not Worked as Scheduled**

An employee who is scheduled to perform work on a holiday and who does not report to work for a reason (such as illness) that is approved by the agency generally may be excused from duty and not be charged leave for the hours covered by the holiday. The employee will receive paid holiday time off. (See 5 U.S.C. 6302(a).)

Certain employees, such as firefighters, who receive special compensation that anticipates holiday work, thereby forgoing entitlement to holiday premium pay, may be charged leave for an absence occurring on a holiday during which the employee was scheduled to work.

An employee who is not approved to be absent from duty on a workday scheduled on a holiday and who refuses to work on the holiday may be charged as being absent without leave (AWOL) and denied pay for that day (i.e., may not receive paid holiday time off). (See 44 Comp. Gen. 274 (1964), B-24647.)

### **Overtime Work on a Holiday**

Employees are entitled to overtime pay, or compensatory time off, when applicable, if the agency requires overtime work on a holiday.

Overtime work must generally be ordered or approved. However, employees who are covered by the overtime pay provisions of the Fair Labor Standards Act of 1938, as amended (FLSA), also are entitled to overtime pay if overtime work is “suffered or permitted” by a supervisor. One exception is that no “suffered and permitted” hours of work can be credited to employees under flexible work schedules. (See definition of “overtime hours” at 5 U.S.C. 6121(6).)

### *Standard (40-Hour/5-Day Week) Work Schedules.*



For most employees on a standard work schedule, overtime work on a holiday is work in excess of 8 hours in a day or 40 hours in a week.

#### *Flexible Work Schedules.*

Overtime work on a holiday for employees under flexible work schedules is work in excess of 8 hours in a day or 40 hours in a week that is officially ordered in advance. Basic work requirement hours and credit hours are not overtime hours. (See 5 U.S.C. 6121(3), (4), and (6).)

#### *Compressed Work Schedules.*

Overtime work on a holiday for an employee under a compressed work schedule is hours of work in excess of the employee's compressed work schedule (e.g., 8-, 9-, or 10-hour "basic work requirement") on that day. (See 5 U.S.C. 6121(7).)

Paid holiday time off hours, hours of paid leave, use of accrued compensatory time off or credit hours, and hours of excused absence with pay are credited as hours of work towards the overtime pay standards. For example, these hours are credited when determining whether an employee has worked in excess of 8 hours in a day or 40 hours in a week under a standard or flexible work schedule. (See 5 CFR 550.112(c) and 5 CFR 551.401(b).)

Employees are not excused from overtime work on a holiday because of the holiday.

### **Night Work on a Holiday**

Except for Federal Wage System employees (discussed below), employees are generally entitled to night pay under 5 U.S.C. 5545(a). Employees are entitled to night pay for regularly scheduled work at night, including actual work performed at night during holiday hours or overtime hours. Night pay is paid in addition to holiday premium pay, Sunday pay, or overtime pay. (See 5 CFR 550.122(c).)

Employees also are entitled to night pay when they are excused from regularly scheduled night work during holiday hours. An employee who is excused from night work during holiday hours receives his or her rate of basic pay plus night pay. (See 5 CFR 550.122(a).)

Federal Wage System (blue collar) employees are entitled to a night shift differential under 5 U.S.C. 5343(f). A Federal Wage System employee regularly assigned to a shift for which a night shift differential is payable is entitled to the night shift differential while excused from duty during holiday hours (5 CFR 532.505(b)). Night shift differential is part of basic pay for Federal Wage System employees. (See 5 U.S.C. 5343(f).)

### **Sunday Work**

An employee is entitled to holiday premium pay and Sunday premium pay if he or she is required to work during holiday hours on Sunday and Sunday work is part of the employee's regularly scheduled basic workweek (or basic work requirement). If an employee does not work during the holiday hours on Sunday, the employee receives basic pay for the holiday hours, but is not entitled to Sunday premium pay because Sunday premium pay cannot be paid unless an employee actually performs work on Sunday. (See section 624 of the Treasury and General Government Appropriations Act, 1999; 5 U.S.C. 5544(a), 5546(a) and 6128(c); and 5 CFR 532.509 and 550.172.)

## References

- 5 U.S.C. 5546, 6101, 6103, 6104, and 6124
- E.O. 11582 of February 11, 1971
- 5 CFR 550.103 (definition of *holiday work*), 550.131 and 550.132
- 5 CFR 550.122(a), 550.131-550.132, 610.201-610.202, and 610.405-610.407; for Federal Wage System employees, 5 CFR 532.505(a) and 532.507.
- Comptroller General opinions:
  - 25 Comp. Gen. 452 (1945); 32 Comp. Gen. 378 (1953);
  - 51 Comp. Gen. 586 (1972); B-192104, September 1, 1978; and 63 Comp. Gen. 306 (1984)
  - B-187520, February 22, 1977; B-186687, January 13, 1977; and 56 Comp. Gen. 393 (1977)

## Related Information

- Fact Sheet: Federal Holidays—"In Lieu Of" Determination
- [Fact Sheet: Federal Holidays](#)
- [Compensation Main Page](#)