

CHAPTER: V. Financial

TITLE: Holiday Leave
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Fair Labor Standards Act (FLSA), State Personnel Board Rules 5-14 & 5-15

DATE

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APPROVED:

REGGIE BICHA, EXECUTIVE DIRECTOR

BACKGROUND/PURPOSE:

Colorado State Personnel Rules provide that each department shall establish an equitable and consistent policy to ensure that all permanent employees are awarded their full complement of holidays. Ten holidays are granted by statute. These days are Independence Day (July 4th), Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, Christmas Day, New Year's Day, Martin Luther King's Birthday, Washington/Lincoln (President's) Day, and Memorial Day. Appointing authorities may grant a state employee's request to substitute Cesar Chavez Day on March 31 for one of the statutory holidays in the same fiscal year pursuant to Rule 5-14.

POLICY:

Permanent full-time employees are granted eight hours of paid holiday leave (prorated for part-time work) to observe each legal holiday designated by law, the Governor, or the President. Appointing authorities may designate alternative holiday schedules for the fiscal year. Each holiday grant will be prorated or adjusted by any leave without pay posted in the calendar month that the holiday is observed and earned.

Permanent part-time employees paid monthly are granted holiday hours based on their FTE status (FTE). Permanent part-time employees paid bi-weekly are granted holiday hours based on paid leave and work hours (excluding overtime) during the calendar month of the holiday observance.

When a holiday is observed on the first regularly scheduled workday of the month, a new employee shall be granted the holiday provided the employee began working the next workday after the holiday. When a holiday is observed on the last regularly scheduled workday of the month, a terminating employee shall be granted the observed holiday for the last workday of the month provided the employee was working or on paid leave the workday prior to the holiday. The holiday will be prorated or adjusted by any leave without pay posted in the calendar month.

For employees working a standard Monday-Friday schedule, when a holiday falls on a Sunday, it will be observed on the following Monday. For holidays falling on a Saturday, the State will select either the following Monday or the preceding Friday as the day on which the holiday will be observed. Employees under the jurisdiction of the state personnel system who are required to work on any of the legal holidays named shall be granted an alternate day off in the same fiscal year or be paid in accordance with applicable state rules. Employees with holiday leave balances must exhaust the holiday balance before using annual leave for compensated absences.

Holiday hours are not considered as time worked for non-essential employees for the purpose of overtime calculations.

Supervisors may modify essential and non-essential employee schedules and credit holiday hours back to the employee as necessary in order to manage overtime liability.

Holiday hours may either be posted in quarter hour increments, or if an employee's holiday balance or monthly holiday accrual has a portion of an hour that is less than a quarter hour, that portion may be used to complete an employee's workweek.

DEFINITIONS:

Exempt Employee:

An employee who is not subject to the overtime provisions of the FLSA due to the fact that the work assignment is specifically exempted from the law. The exemption categories applicable to the Colorado Department of Human Services (CDHS) are Administrative, Executive, and Professional. Exempt employees may work more than forty hours per week, even on a regular basis, and are not entitled to any additional compensation for the extra hours of work. Full time exempt employees are expected to be at work, or on approved paid leave, for a total of forty (40) hours a week.

Non-Exempt Employee

An employee who is covered by the overtime provisions of the FLSA and is eligible for compensation at the rate of one and one-half, either in compensatory time off, or cash, for all hours worked in excess of forty (40) hours in a workweek. The exception to this provision is in the event that a special work schedule has been adopted for healthcare or security workers. Unless a non-exempt employee is in a position determined to be "essential for overtime purposes" authorized paid leave in a workweek is not counted as time worked.

Non-Exempt Essential Employee

A non-exempt (eligible for overtime compensation) employee assigned to a twenty-four hour facility providing care to residents whose primary assignment is to directly provide for the basic needs or personal care of the residents. This includes all services involved in the personal care, feeding, safety, sanitation, and security for the residents and staff. Essential employees are essential for overtime purposes and shall have periods of authorized paid leave counted as work time for overtime calculation purposes.