

CHAPTER: V. Financial	
TITLE: Holiday Leave	
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APPROVED: AUGUST 15, 2010	KAREN L. BEYE, EXECUTIVE DIRECTOR

### BACKGROUND/PURPOSE

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 4<sup>th</sup>), 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. Supervisors 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. When granting such requests, the department must be open for business and minimally operational and the employee must be able to perform work.

### 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.

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.

C.R.S. 24-11-101 (3) 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 the state personnel system or state fiscal rules in effect.

### PROCEDURES

#### Permanent full-time employees (fixed FTE on monthly payroll):

Employee is granted up to eight hours of paid holiday leave depending on their FTE. Holiday granted is pro-rated if the employee has unpaid leave in the calendar month that the holiday is observed and granted. Pro-ration calculation basis will be the number of work hours available during the holiday month (based on a Monday thru Friday work schedule), including the holiday

hours. Work time and paid leave hours (including the holiday hours but excluding overtime) will be used to calculate the accrual for the holiday hours to be accrued and posted. This is the same procedure used to prorate annual and sick leave.

Permanent part-time employees (fixed FTE on monthly payroll):

Employee is granted FTE based holiday. Holiday granted is pro-rated if the employee has unpaid leave in the calendar month that the holiday is observed and granted. Pro-ration calculation basis will be the number of work hours available during the holiday month (based on a Monday thru Friday work schedule), including the holiday hours. Work time and paid leave hours (including the holiday hours but excluding overtime) will be used to calculate the accrual for the holiday hours to be accrued and posted. This is the same procedure used to prorate annual and sick leave.

Bi-weekly employees

Employee is granted holiday hours based on the number of paid hours (including holiday taken but excluding overtime) during a calendar month. Annual and sick leave hours to be granted will also include holiday taken. The number of work hours available during the holiday month (based on a Monday thru Friday work schedule), including the holiday(s) will be used as the basis for the calculation.

Employees on voluntary or mandatory furlough receive holiday leave as though no unpaid absence occurred.

Employees working flex schedules or more than eight hours in a day, need to request leave (annual or compensatory time, if applicable) for the extra hours or arrange to make up the time during the week of the observance. If a holiday falls on a day a flextime employee is not scheduled to work, the employee is granted 8 hours holiday the following day. If the holiday falls on a Friday, the flex employee is granted holiday on the Thursday before the Friday holiday.

Holidays are observed and recorded during an employee's absence due to injury on the job. The holiday does not count toward the 90 days of injury leave.

Holidays are observed and recorded while an employee is on administrative leave during an investigative period. The administrative leave is granted during this period to replace scheduled work hours only.

Facilities/departments operating 24/7 shall designate an alternate holiday schedule to meet the needs of their unit. Supervisors are responsible for setting the employee's work schedule, which includes assigning the alternate holiday (i.e. one holiday per month except June and August).

Supervisors may not reduce holiday hours to avoid overtime liability when the holiday is taken on the date of observance or the scheduled alternate holiday. In the event previous holiday hours (a holiday balance) have been accrued, those hours may be used in quarter hour increments.

An employee who becomes ill or is on bereavement leave on their scheduled holiday (statutory or alternate) is not granted a different holiday on a future date.

Any unused/deferred holiday hours (other than those already scheduled and approved by the supervisor, such as Caesar Chavez Day) will be applied to the next day, or partial day, of compensated absence.

An employee who wishes to be granted leave for a religious holiday that is not a statutory holiday (e.g., Yom Kippur) may arrange to work one of the statutory holidays in place of the religious holiday if the appointing authority approves. The employee may also request to take annual leave or unpaid leave.

The Governor's office may allow agencies to grant up to eight hours of administrative leave on one of two specified dates in December. This is often referred to as the "Governor's Holiday" and allows additional leave for all employees while still remaining open for business. This day is not guaranteed but instead is completely subject to the discretion of the Governor in any given year. Although the Governor refers to this day as administrative leave it should be posted as ADMINREW in KRONOS using the comment ADMIN LEAVE-Governor's Holiday and all of the holiday leave provisions are applied (e.g. employees receive another day off at a time determined by the appointing authority within the fiscal year if they are required to work both of the dates designated by the Governor).

All holiday hours granted during the fiscal year must be exhausted as of June 30<sup>th</sup> each year. Remaining Holiday balances will be paid as follows:

Exempt Employee: Annualized hourly rate times holiday balance hours  
Non-Exempt Employee: Annualized hourly rate times holiday balance hours  
Non-Exempt Essential Employee: Annualized hourly rate times holiday balance hrs times 1.5

The annualized hourly rate times holiday balance hours times 1.5 for non-exempt essential employees will be in effect through June 30, 2010. Beginning July 1, 2010, non-exempt essential employees year-end holiday balances will be paid at the annualized hourly rate times the holiday balance hours.

Accordingly, beginning July 1, 2010 holiday balances for non-exempt essential employees that are terminating from CDHS will be paid the annualized hourly rate times the holiday balance hours.

## **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 Fair Labor Standards Act (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.