Frequently Asked Questions (FAQ)

Holiday Pay and Leave for December

Leave

Q1. Are employees who are scheduled to take annual leave on Thursday, December 24 charged leave for that day?

A1. Employees who are scheduled to take annual leave for the last half of the scheduled workday on December 24, will not be charged leave for that last half of the scheduled workday.

Q2. Will employees forfeit "use or lose" annual leave scheduled for Thursday, December 24?

A2. If an employee has scheduled "use or lose" annual leave for December 24, and is unable to reschedule that leave for use before the end of the leave year (i.e., January 2, 2010), the leave will be forfeited. When "use or lose" leave is forfeited under these conditions, restoration of the leave is not permitted. Employees may donate excess annual leave to an approved leave recipient under the Voluntary Leave Transfer Program.

"In Lieu of" Holiday

Q3. What days are the "in lieu of" holidays for an employee whose basic work schedule does not include Thursday, December 24, and/or Friday, December 25?

A3. When a holiday falls on a non-workday outside a full-time employee's basic workweek, he or she is entitled to an "in lieu of" holiday. Except when the holiday falls on Sunday, the day to be treated as the "in lieu of" holiday is the workday immediately preceding the non-workday.

Example 1

If Thursday, December 24, is a non-workday that falls outside a full-time employee's basic workweek, the half-day holiday will be observed on Wednesday, December 23.

Example 2

If Friday, December 25, is a non-workday that falls outside a full-time employee's basic workweek, the December 25 holiday will be observed on the last workday immediately preceding December 25. If that day happens to be Thursday, December 24, the half-day holiday will be observed on Wednesday, December 23.
Example 3

If Thursday, December 24 and Friday, December 25, are both non-workdays that fall outside a full-time employee's basic workweek, the December 24 half-day holiday will be observed on Tuesday, December 22, and the December 25 holiday will be observed on Wednesday, December 23.

Q4. What is the "in lieu of" holiday for an employee on an alternative work schedule (AWS) (i.e., flexible work schedule or compressed work schedule) whose regularly scheduled AWS day off is Thursday or Friday?

A4. Normally, for full-time employees with an AWS, the regularly scheduled day off does not change because of a holiday. For full-time employees on an AWS whose regularly scheduled non-workday is Thursday, December 24, or Friday, December 25, the workday immediately preceding that day will be designated as the employee's "in lieu of" holiday. The examples in A3 above would apply in these circumstances.

Q5. May a unit change an AWS employee's "in lieu of" holiday from Thursday, December 24 or Friday, December 25 to Monday, December 29?

A5. No, but with one limited exception. A unit may select an alternative "in lieu of" holiday for employees on fixed compressed work schedules if the unit director determines that a different "in lieu of" holiday is necessary to prevent an "adverse agency impact".

Although there is no legal authority for the Smithsonian to change the "in lieu of" holiday for a Federal employee on a flexible work schedule, the employee may reschedule his or her AWS day off consistent with Smithsonian policy.

Q6. Are part-time or intermittent employees entitled to "in lieu of" holidays?

A6. No, there is no authority to grant "in lieu of" holidays to part-time or intermittent employees. Part-time employees are entitled to a holiday only if they have a regularly scheduled (i.e., non-overtime) tour of duty on the actual holiday (i.e., on Thursday, December 24, or Friday, December 25). Intermittent employees do not have a regularly scheduled tour of duty and may not be paid for holidays not worked.

Basic Pay Entitlement on a Holiday

Q7. How many hours of basic pay are employees entitled to receive for a holiday?

A7. Full-Time Employees

December 24
Full-time employees under a standard work schedule (8 hours a day, 40 hours a week) will receive 8 hours pay, of which 4 hours are excused from non-overtime work. These hours are considered part of the 40-hour basic workweek. The excused hours are recorded as a holiday.

December 25
Full-time employees under a standard work schedule (8 hours a day, 40 hours a week) are excused from 8 hours of non-overtime work, which are considered part of the 40-hour basic workweek. This day is recorded in webTA as a holiday.

Part-Time Employees

December 24
A part-time employee is entitled to a half-day holiday when the half-day holiday falls on a day when he or she would otherwise be required to work or take leave. This does not apply to overtime work. Part-time employees are excused from work for the last half of their regularly scheduled (i.e., non-overtime) workday and receive their rate of basic pay for that half-day holiday. For example, if a part-time employee had a 6-hour basic workday, the half-day holiday would be 3 hours and if a part-time employee had a 4-hour basic workday, the half-day holiday would be 2 hours.

December 25
A part-time employee is entitled to a holiday when the holiday falls on a day when he or she would otherwise be required to work or take leave. This does not include overtime work. Part-time employees who are excused from work on a holiday receive their rate of basic pay for the hours they are regularly scheduled to work on that day.

Compressed Work Schedule

A full-time or part-time employee on a compressed work schedule who does not work during the half-day holiday on December 24 or the December 25 holiday is entitled to his or her rate of basic pay for the number of hours he or she was scheduled to work on the holiday. For example, if a holiday falls on a 9-hour basic workday, the employee's holiday is 4½ hours on December 24 and 9 hours on December 25.

Flexible Work Schedule

Multiple holidays fall within the same pay period beginning December 20, 2009, and ending January 2, 2010. Therefore, full-time employees on a "5/4-9" flexible work schedule (or other flexible work 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, credit hours, compensatory time off, or compensatory time off for travel in order to fulfill the 80-hour biweekly work requirement.
December 24
A full-time employee on a flexible work schedule who is excused from duty during the half-day holiday is entitled to a maximum of 4 hours of pay for that period. A part-time employee under a flexible work schedule is entitled to one-half of the total number of hours of his or her tour of duty on that day not to exceed 4 hours.

December 25
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. A part-time employee under a flexible work schedule is generally excused from duty for the number of hours of his or her tour of duty (i.e., non-overtime hours) on that day, not to exceed 8 hours.

**Holiday Premium Pay**

Q8. **What pay do employees receive for working during their regularly scheduled tour of duty (i.e., non-overtime hours) on a holiday?**

A8. An employee who performs any work during his or her regularly scheduled (i.e., non-overtime hours) tour of duty on a holiday receives holiday premium pay in addition to his or her regular pay. Employees assigned to work on a holiday during their regularly scheduled tour of duty are entitled to a minimum of 2 hours of holiday premium pay.

Q9. **Are all Smithsonian employees entitled to holiday premium pay?**

A9. No. Only those Smithsonian federal and trust employees who work non-overtime hours on the half day holiday on December 24 and or December 25 would be entitled to holiday premium pay.

Q10. **How many hours of holiday premium pay are employees entitled to earn?**

A10. **Full-Time Employees**

Full-time employees on standard work schedules (8 hours a day, 40 hours a week) receive holiday premium pay for up to 4 hours of work during their regularly scheduled tour of duty on December 24, or 8 hours of work during their regularly scheduled tour of duty on December 25.

**Part-Time Employees**

**December 24**
Part-time employees who are required to perform non-overtime work during a regularly scheduled tour of duty during the half-day holiday are entitled to receive holiday premium pay for up to one-half of the non-overtime hours in their tour of
duty on that day not to exceed 4 hours (or up to one-half the number of non-overtime hours in their compressed work schedule) on December 24.

December 25
Part-time employees who are required to perform work during a regularly scheduled tour of duty are entitled to receive holiday premium pay for up to 8 hours of non-overtime work (or up to the maximum number of non-overtime hours in their compressed work schedule) on a holiday.

Compressed Work Schedule

December 24
Employees under compressed work schedules who are required to perform work during a regularly scheduled (i.e., non-overtime) tour of duty during the half-day holiday are entitled to receive holiday premium pay for up to one-half of the non-overtime hours in their tour of duty on this day.

NOTE: For the half-day holiday, an employee who performs work during his or her regularly scheduled (i.e., non-overtime) tour of duty during the hours associated with the last half of the scheduled workday will receive holiday premium pay in addition to his or her regular pay for the hours associated with the last half of the day. Employees assigned to work during the last half of their regularly scheduled tour of duty are entitled to a minimum of 2 hours of holiday premium pay.

December 25
Employees under compressed work schedules are entitled to holiday premium pay if they are required to work during their regularly schedule tour of duty for that day. The number of hours of holiday premium pay may not exceed the hours in an employee's compressed work schedule for this day (e.g., 9 non-overtime hours).

Flexible Work Schedule

December 24
Employees under flexible work schedules are entitled to holiday premium pay, not to exceed 4 hours, if they are required to work during the hours of their regularly scheduled (i.e., non-overtime) tour of duty during the half-day holiday. A part-time employee under a flexible work schedule who performs non-overtime work during the half-day holiday is entitled to holiday premium pay for up to one-half of the total number of non-overtime hours in the scheduled workday, not to exceed 4 hours.

December 25
Employees under flexible work schedules are entitled to holiday premium pay if they are required to work during the hours of their regularly scheduled (i.e., non-overtime) tour of duty, not to exceed 8 hours.

Q11. How is holiday premium pay calculated?
A11. For each hour of holiday work, employees receive holiday premium 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.

Compensatory Time Off and Overtime Pay

Q12. May an employee who is required to work during his or her regularly scheduled (i.e., non-overtime) tour of duty on a holiday earn compensatory time off instead of holiday premium pay for that work?

A12. No. An employee must receive holiday premium pay for work performed during his or her regularly scheduled (i.e., non-overtime) tour of duty (e.g., 8:00 a.m. to 4:30 p.m.) on a holiday.

Compensatory time off is provided in lieu of overtime pay for irregular or occasional overtime work (or, when permitted under agency flexible work schedule programs, in lieu of overtime pay for regularly scheduled or irregular or occasional overtime work). However, because a holiday is considered part of a full-time employee's regular 40-hour workweek (or 80 hours biweekly for employees on certain kinds of flexible or compressed work schedules), work performed during a regularly scheduled (i.e., non-overtime) tour of duty on a holiday is not considered overtime work.

Q13. What if an employee performs work outside his or her regularly scheduled (i.e., non-overtime) tour of duty (e.g., 8:00 a.m. to 4:30 p.m.) on a holiday? How is he or she compensated for that work?

A13. An employee who performs work outside his or her regularly scheduled (i.e., overtime work) tour of duty on a holiday is compensated at the applicable overtime pay rate or through compensatory time off (in appropriate circumstances). Part-time employees would earn overtime or compensatory time off for any hours worked over 8 in a day (or over the maximum number of non-overtime hours in their compressed work schedule) on a holiday.

Night Pay

Q14. What pay will General Schedule (GS) Smithsonian Institution Salary (IS) employees receive if they perform work at night on a holiday?

A14. Employees are entitled to night pay for regularly scheduled work (i.e., work scheduled in advance of the administrative workweek) between 6:00 p.m. and 6:00 a.m. Night pay for employees is equal to 10 percent of the employee's hourly rate of basic pay. Night pay is earned for regularly scheduled work at night even if an
employee is also entitled to overtime pay/compensatory time off or holiday premium pay for the same hours of work.

Employees also are entitled to night pay when they are excused from regularly scheduled night work during holiday hours. A GS or IS employee who is excused from night work during holiday hours receives his or her rate of basic pay plus night pay.

**Night Shift Differential for Federal/Trust Wage System Employees**

**Q15.** What pay will employees receive if they perform work at night on a holiday?

**A15.** For employees in Federal/Trust wage positions, a night shift differential is basic pay for the purpose of computing holiday premium pay. The night shift differential is 7.5 percent for a wage employee for whom the majority of regularly scheduled non-overtime hours are between 3:00 p.m. and midnight. The night shift differential is 10 percent for a wage employee for whom the majority of regularly scheduled non-overtime hours are between 11:00 p.m. and 8:00 a.m.

A wage employee who is entitled to holiday premium pay and who performs non-overtime work on a holiday is entitled to his or her rate of basic pay (including any applicable night shift differential) plus premium pay at a rate equal to the rate of basic pay (including night shift differential). The term "majority of hours" means the number of whole hours greater than half of a shift (e.g., 5 hours of a scheduled 8-hour shift). A wage employee is entitled to pay (including night shift differential) for overtime work on a holiday under the same rules that apply to overtime work on regular workdays.

**Credit Hours under a Flexible Work Schedule**

**Q16.** May an employee on a flexible work schedule earn credit hours for working on a holiday?

**A16.** Employees may not earn credit hours in lieu of receiving holiday premium pay when they perform work during normal working hours. However, an employee on a flexible work schedule may earn credit hours, if permitted under an agency's flexible work schedule policy, for work the employee elects to perform on a holiday that is in excess of his or her tour of duty (typically 80 hours biweekly).

**Employees Called Back to Work**

**Q17.** Are employees entitled to overtime, night, and/or holiday premium pay if they are called back to work?
A17. When an employee is required to return to a worksite to perform irregular or occasional overtime work, he or she is entitled to receive a minimum of 2 hours of overtime pay. An employee who is called back to work during his or her regularly scheduled (i.e., non-overtime) tour of duty on a holiday is entitled to receive a minimum of 2 hours of holiday premium pay. However, an employee who is called back to perform irregular or occasional work at night is not entitled to receive night pay.

**Holiday Premium Pay and Travel**

Q18. Are employees entitled to holiday premium pay for the time they spend in work-related travel on a Federal holiday?

A18. Employees generally are not entitled to holiday premium pay for the time they spend in work-related travel during holiday hours of their tours of duty. Holiday premium pay is paid only to employees who perform work on a holiday.

Time spent in a travel status is not hours of work for the purpose of paying premium pay, including holiday premium pay, unless it meets one of the criteria for crediting irregular or occasional hours of work for travel. The criteria state that time spent in a travel status away from the official duty station is not hours of employment unless the travel involves the performance of work while traveling –

- Involves the performance of work while traveling (e.g., employment as a truck driver);
- is incident to travel that involves the performance of work while traveling (e.g., "deadhead" travel performed by a truck driver to return an empty truck after unloading);
- is carried out under arduous and unusual conditions (e.g., on unpaved roads); or
- results from an event which could not be scheduled or controlled administratively by any individual or agency in the executive branch of the Government (e.g., training scheduled solely by a private firm or a job-related court appearance required by a court subpoena).

Note 1: This guidance applies to both Fair Labor Standards Act (FLSA) exempt and nonexempt employees. The provisions on travel time as hours of work for FLSA overtime pay purposes do not apply to the payment of holiday premium pay. Although most employees do not receive holiday premium pay for time spent traveling on a holiday, they continue to be entitled to pay for the holiday in the same manner as if the travel were not required.

Note 2: Time spent traveling away from the official duty station is also hours of employment if the time spent is within the days and hours of an employee's regularly scheduled administrative workweek. However, this does not apply to travel time on a holiday for holiday premium pay purposes because an employee's regularly scheduled
administrative workweek includes only periods of time in which an employee is regularly scheduled to work. Travel time during holiday hours generally is not work time and, therefore, does not fall within an employee's regularly scheduled administrative workweek.

**Time Off for Travel**

**Q19. If an employee is required to travel on a Federal holiday, is the employee entitled to receive compensatory time off for travel?**

**A19.** Compensatory time off for travel may be earned by an employee only for time spent in a travel status away from the employee's official duty station when such time is not otherwise compensable. Although most employees do not receive holiday premium pay for time spent traveling on a holiday, an employee continues to be entitled to pay for the holiday in the same manner as if the travel were not required. Thus, an employee may not earn compensatory time off for travel during (i.e., non-overtime) holiday hours because the employee is entitled to his or her rate of basic pay for those hours. However, if an employee travels outside of normal work hours (e.g., 8:00 a.m. to 4:30 p.m.) on a holiday, he or she is entitled to earn compensatory time off for travel if the travel time is not compensable under any other legal authority.