

## **ARTICLE 12 HOLIDAYS**

### **A. UNIVERSITY HOLIDAYS**

The University shall observe the following days as administrative holidays:

- New Year's Day
- Martin Luther King, Jr. Day
- Third Monday in February (or announced equivalent)
- Cesar Chavez Day (Last Friday in March or announced equivalent) (Also see Section G.3. for LBNL)
- Last Monday in May
- Fourth of July
- Labor Day
- Veterans' Day (November 11th) (including Lawrence Berkeley National Laboratory if approved by the DOE) (Also see Section G.3 for LBNL)
- Thanksgiving Day
- Friday following Thanksgiving Day (or announced equivalent)
- December 24 (or announced equivalent)
- December 25
- December 31 (or announced equivalent)

Unless an alternate day is designated by the University, when a holiday falls on Saturday, the preceding Friday is observed as the holiday, and when the holiday falls on Sunday the following Monday is observed as the holiday.

### **B. ELIGIBILITY**

1. An employee is eligible for holiday pay if the employee is in pay status at least fifty percent (50%) of the hours in the month or quadri-weekly cycle, excluding holiday hours.
2. An employee on pay status on the employee's last scheduled work day before the holiday and first scheduled work day after the holiday shall be eligible to receive holiday compensation as provided in Section C., below. No employee shall be eligible for compensation for any holiday which is immediately preceded by or followed by an unauthorized unpaid absence or a disciplinary suspension.
3. New and rehired employees shall be eligible to receive pay or compensatory time off for holidays preceding their first day of work provided the holiday is the first working day(s) of the month or quadri-weekly cycle. A terminating employee shall be eligible to receive pay for holidays immediately following the employee's last day of work provided the holiday is the last working day(s) of the month or quadri-weekly cycle.
4. An eligible employee who is on approved leave without pay or temporary layoff for a period of not more than twenty (20) calendar days, including

holidays, shall be eligible to receive pay for any holiday occurring during that period.

**C. HOLIDAY TIME/PAY**

**1. Compensation For Holidays Not Worked**

- a. An eligible full-time employee shall receive eight (8) hours of holiday pay, regardless of the number of hours in her/his shift, and regardless of whether or not it was worked, except as provided in Section B. 2. above.
- b. An eligible part-time employee shall receive proportionate holiday pay, up to the maximum of eight (8) hours per holiday, as provided in Section B.2. above. Such holiday pay is calculated on the number of hours in pay status in the month or quadri-weekly cycle in which the holiday falls, excluding holiday hours.
- c. A full-time employee on an alternate work schedule who is normally scheduled to work more than eight (8) hours on the day on which the holiday is observed shall be allowed to make up the difference between the eight (8) hours of holiday pay and the employee's normally scheduled hours by one of the following methods, in the workweek in which the holiday falls:
  - 1) use of vacation time, subject to the provisions of Article 43 - Vacation;
  - 2) use of compensatory time, subject to the provisions of Article 13 - Hours of Work; or
  - 3) working additional straight time hours scheduled at the sole discretion of the University.

**2. Compensation For Holidays Worked**

- a. With the exception of the provisions in Section C.2.b., below, an employee required to work on a holiday listed above shall be paid at the employee's regular straight-time rate of pay for the hours actually worked. In addition, an eligible employee shall receive either compensatory time off or holiday pay at the option of the University at the regular straight-time rate, including any shift differential.
- b. A non-exempt employee shall be paid at the rate of time and one-half times (1 1/2) regular pay for hours actually worked on Fourth of July, Labor Day, Memorial Day, December 25th, Thanksgiving Day, and New Years Day, and no alternate dates may be designated by the University.

- c. A full time employee may be required to actually work her/his normally scheduled number of work days, excluding the holiday(s), at the straight time rate during weeks in which a holiday(s) occurs. In the event an employee is required to work her/his scheduled number of days on four (4) or more such weeks in a calendar year, the holiday hours in the fourth (4th) holiday week and beyond shall be counted as hours worked. This provision does not apply to employees who are employed to cover only weekend or only holiday schedules.

#### **D. RELIGIOUS OBSERVANCE**

By charging time off to vacation, compensatory time off, or leave without pay, an employee may observe a special or religious holiday if the University determines that work schedules permit. Such requests shall not be unreasonably denied.

#### **E. RESTRICTIONS**

1. In the administration of the provisions of this Article there shall be no duplication, pyramiding, or compounding of any premium wage payments provided herein with any other wage payments provided in any other provision of the Agreement.
2. Holiday pay shall not count as time worked for the purpose of calculating overtime, except as provided in Section C.2. above.

#### **F. MAJOR HOLIDAYS**

Major holidays are designated for scheduling purposes, only. Major holidays are defined as the two (2) day holiday period for Thanksgiving, December 25 and January 1. The University will guarantee each member of the bargaining unit the opportunity to take one (1) of those two-day periods off regardless of the dates on which the University celebrates those holidays. Operational needs permitting, the University will endeavor to grant one (1) additional two (2) day period off. Straight time holiday pay eligibility shall be determined by the official University holiday schedule. This provision does not apply to employees who are employed to cover only weekend or only holiday schedules.

#### **G. LAWRENCE BERKELEY NATIONAL LABORATORY (LBNL)**

1. A new full-time employee will be paid for any holiday immediately preceding his or her first day of work if the holiday is the first working day(s) of a pay period. This rule does not apply to part-time employees.
2. A terminating full-time employee shall receive pay for any holiday immediately following his or her last day of work if the holiday is the last working day(s) of a pay period. This rule does not apply to part-time employees.
3. In lieu of using the Administrative Holiday during the winter shut-down, it may be used as a floating holiday, with supervisory approval, on Cesar

**Chavez Day (the last Friday in March) or Veteran's Day (November 11). The Laboratory will be open on both Cesar Chavez Day and Veteran's Day and closed during the winter shut-down. Employees electing to use the floating holiday on either Cesar Chavez Day or Veteran's Day will be required to use an additional vacation day or leave-without-pay day during the winter shut-down. The floating holiday must be taken during the calendar year and cannot be accrued for future use. Nonexempt employees working on Cesar Chavez Day and Veteran's Day will be paid for hours worked only. They will not receive additional holiday pay.**