

## **HOLIDAY RULES AND REGULATIONS**

### **A. AUTHORITY**

These rules are promulgated pursuant to General Laws, Chapter 40, §21A, General Laws, 4, §7, as amended.

### **B. ELIGIBILITY**

Every qualifying employee who is regularly scheduled to perform service for the City for a minimum of twenty (20) hours per week, shall be eligible for holiday pay.

#### **Exceptions:**

These rules and regulations SHALL NOT APPLY to:

1. Uniformed members of the Police and Fire Departments;
2. Employees under the jurisdiction of the School Department;
3. Persons receiving workers' compensation

### **C. LEGAL HOLIDAYS**

The following legal holidays shall be observed by the City of Worcester, and all eligible employees shall be granted paid leave for those days in accordance with these rules:

New Year's Day	1 <sup>st</sup> day in January
Martin Luther King's Birthday	3 <sup>rd</sup> Monday in January
Washington's Birthday	3 <sup>rd</sup> Monday in February
Patriots' Day	3 <sup>rd</sup> Monday in April
Memorial Day	Last Monday in May
Juneteenth	19 <sup>th</sup> day in June
Independence Day	4 <sup>th</sup> of July
Labor Day	1 <sup>st</sup> Monday in September
Columbus Day	2 <sup>nd</sup> Monday in October
Veterans' Day	11 <sup>th</sup> day in November
Thanksgiving Day	4 <sup>th</sup> Thursday in November
Christmas Day	25 <sup>th</sup> of December

Whenever the legal holiday falls on a Saturday, the day preceding shall be observed as the holiday, and holiday pay for Saturday shall not be allotted for those required to work on that day in such instances. Whenever the legal holiday falls on a Sunday, the following day shall be observed as the holiday, and holiday pay for Sunday shall not be allowed for those required to work on that day in such instances.

### **D. PAY STATUS REQUIREMENT**

To be eligible for paid holiday leave, an employee must be in paid status either working and on the regular payroll, or on paid leave for a full scheduled work day on his/her assigned workdays

immediately before and after the day on which the holiday is observed. An employee who is not in pay status on both the last scheduled work day preceding the holiday, and the next scheduled work day following the holiday, shall not be eligible for holiday pay.

Irrespective of the reason that an employee may be in no-pay status, no compensation shall be granted to an individual in no-pay status for the observance of a holiday. No-pay status is any uncompensated absence from work and includes authorized as well as unauthorized leave without pay.

**Examples:**

#1 New Year's Day holiday is January 1. An employee terminates his/her employment and December 31 is the last day he/she is in pay status with the City. He/she is not eligible for New Year's Day holiday pay because he/she is not in pay status on the next scheduled work day after the holiday.

#2 An employee has been on extended sick leave since June 8th. His/her paid sick leave becomes exhausted on July 1. He/she is carried in no-pay status (sick leave without pay) on July 2 and 3. He/she is not eligible for holiday pay for the 4th of July holiday because he/she is not in pay status the last scheduled work day before the holiday.

#3 The Labor Day holiday is the first Monday in September. An employee is scheduled to work on the Friday preceding the holiday and the Tuesday following the holiday. The employee does not show up for work on Friday and is carried in no-pay status for the day. The employee reports to work as scheduled on Tuesday. The employee is not eligible for holiday pay because he was not in pay status the day before the holiday.

**E. RATE OF PAY**

Eligible employees shall receive paid leave at their regular rate of pay for each of the observed holidays enumerated in Part C of this section without the performance of any duties on that day provided that:

1. For any one twenty-four (24) hour legal holiday, holiday pay shall not be more than eight hours at the employee's regular rate of pay.
2. Any eligible employee whose regular work schedule is less than forty (40) hours per week, but not less than twenty (20) hours per week, shall receive holiday pay on a pro rata basis.

**Examples:**

#1 A regular scheduled work week of twenty-four (24) hours, i.e. three (3) eight (8) hour days, four (4) six (6) hour days, etc. would be calculated as follows: 24/40 times 8 hours equals 4.8 hours holiday pay.

#2 If such employee's work days are of irregular length, the number of hours to be paid for holiday pay shall be determined by averaging the number of hours in his/her weekly work schedule during the four (4) week period prior to the week in which said holiday falls. For example, if an employee worked 30, 22, 26 and 18 hours respectively in the four weeks prior to a holiday, the employee's holiday pay should be calculated as follows:  $30 + 22 + 26 + 18 = 96$  total hours worked.  $96$  hours divided by  $4$  weeks =  $24$  hours average per week.  $24$  divided by  $40 \times 8 = 4.8$  hours holiday pay.

#### **F. WORK ON HOLIDAY**

Should an employee be required to work on a holiday observed by the City, he/she will be compensated at his/her regular rate of pay for each hour worked that day, and shall also receive holiday pay not to exceed eight (8) hours at his/her regular rate of pay. (See exception below for Thanksgiving Day, Christmas and New Year's Day.) (See overtime rules and regulations for work in excess of forty (40) hours in one week.)

In the event of an emergency, as determined by the department head, an employee is called in to work after having been scheduled for holiday leave, he/she shall be compensated at his/her regular rate of pay as time worked for a minimum of four (4) hours.

Should an employee be required to work on the day of Thanksgiving, Christmas or New Year's Day, such employee shall be compensated at one and one-half his/her regular rate of pay for each hour worked that day and shall also receive holiday pay not to exceed eight (8) hours at his/her regular rate of pay.

#### **G. FAILURE TO WORK ON A HOLIDAY**

An employee scheduled to work on a legal holiday, who failed to report to work without being excused, shall be considered absent without leave and shall receive no pay for that day. An employee who is scheduled to work on a legal holiday, who is excused due to sickness or compassionate leave, shall receive compensation not to exceed eight (8) hours at his/her regular rate of pay for the holiday only. No other paid leave shall be authorized for that day in conjunction with holiday pay.

**Example:** An employee who is on sick leave on the holiday shall not be eligible for sick leave pay, but may receive holiday pay.

#### **H. HOLIDAY DURING PTO**

If a legal holiday falls during an employee's PTO leave, the employee will be not be charged with a PTO day on the day of the holiday.

**Example:** An employee asks to take the week including Thanksgiving as PTO. The employee is paid for four days of PTO leave: Monday, Tuesday, Wednesday, Friday, and paid holiday leave for Thursday (Thanksgiving Day).

**I. HOLIDAY DURING SICK LEAVE**

If a legal holiday is celebrated while an employee is on paid sick/parental leave, no deduction shall be made for the holiday from the employee's sick leave credit. Instead, the employee shall be granted paid holiday leave.

**J. SUPERVISORY EMPLOYEES**

No supervisory employee shall receive extra compensation in addition to holiday pay for work performed on a holiday, except upon the recommendation of their department head and with the City Manager's approval.

**K. COMPENSATORY TIME OFF NOT PERMITTED**

Compensatory time off will not be granted in lieu of cash payments for work on a holiday.

**L. EFFECTIVE DATE**

These rules and regulations shall become effective January 1, 2024.

**M. INTERPRETATION OF HOLIDAY REGULATIONS**

Questions on interpretation of these rules shall be directed to the Chief Human Resources Officer.

**N. MODIFICATION**

The City Manager reserves the right to make such modifications and amendments to regulations as he deems necessary and proper.

Promulgated by City Manager 1/1/69 Amended 3/8/70 (former Rule 17 repealed)

Reprinted 7/1/72

Recodified 9/1/76

Amended and Recodified 1/28/86

Revised 4/7/95

Revised 11/30/00

Revised 6/1/2019

Revised 1/1/2024