

## **Policy 702.8 – Holidays**

Date Adopted: 8/26/88

Issuing Office: Administration & Finance

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Approved By:

References: MOM 3-0325; MCA 2-18-603; BOR 801.5; MCA 1-1-216; MCA 20-25-306; ARM 2.21.620(3)

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### **I. POLICY**

The University of Montana Western adheres to State law and Board of Regents policies governing legal holidays.

### **II. PURPOSE**

The purpose of this policy is to provide guidelines for observance of holidays and eligibility for holiday pay.

### **III. PROCEDURES**

#### **A. Definitions**

“Holiday” means a legal state holiday as provided in MCA 1-1-216. A holiday begins at midnight and ends at 11:59 p.m.

“Holiday benefits” means pay at the employee’s regular rate up to eight (8) hours or equivalent paid time off up to eight (8) hours paid to an eligible employee when the University observes a legal state holiday. Full-time employees on alternate work schedules, such as four 10-hour days, shall receive eight (8) hours of holiday pay. The remaining two (2) hours per day normally scheduled may be taken as annual leave, accrued compensatory time, or leave without pay.

“Normally works” means the employee works a regular schedule which typically is anticipated to last longer than one pay period. A regular schedule is a work schedule set by the department for which an employee is either expected to work or use approved leave.

“Permanent employee” means an employee who is designated as permanent and who has attained or is eligible to attain permanent status. Employee is hired through a competitive recruitment process.

“Temporary employee” means an employee designated as temporary for a definite period of time not to exceed 12 months. Employee is not eligible for permanent status, did not go through a competitive recruitment process, and is terminated at the end of the employee period.

#### **B. Observance of Holidays**

All non-student employees are granted time off work without loss of their regular compensation in order to observe the following State of Montana legal holidays:

1. New Year's Day - January 1
2. Martin Luther King Jr. Day - Third Monday in January
3. Lincoln's & Washington's Birthdays - Third Monday in February
4. Memorial Day - Last Monday in May
5. Independence Day - July 4
6. Labor Day - First Monday in September
7. Veterans' Day - November 11
8. Thanksgiving Day - Fourth Thursday in November
9. Friday after Thanksgiving (exchanged for Columbus Day, 2<sup>nd</sup> Monday in October)
10. Christmas Day - December 25
11. State general election day - even-numbered years

When a holiday falls on a Sunday, the Monday following is a holiday. When a holiday falls on a Saturday, the holiday shall be observed on the preceding Friday.

**C. Holiday Exchanges**

The Board of Regents may exchange certain designated workdays for the same number of legal holidays identified above:

1. The Friday following Thanksgiving;
2. The Monday before Christmas Day or New Year's Day if either holiday falls on Tuesday;
3. The Friday after Christmas Day or New Year's Day if either holiday falls on Thursday.

**D. Eligibility for Holiday Pay**

Full-time and part-time regularly scheduled permanent employees receive paid holiday leave or compensation if they are in an active employment status on either the last scheduled working day immediately preceding a holiday, or on the first scheduled working day immediately after the holiday, except as otherwise noted in this policy or collective bargaining agreements. A newly hired employee who begins work on the day after a holiday is not entitled to holiday pay. Employees on an approved leave without pay or layoff (temporary or permanent) are not compensated for the holiday. An employee returning from inactive status or layoff who reports to work on a day following a holiday shall not receive compensation for the holiday. Employees may not designate a holiday as their final work day when resigning from employment.

Part-time permanent employees receive holiday pay on a prorated basis. Holiday benefits are an average of the employee's hours regularly scheduled to work in the pay period. If the pay period in which the holiday falls is not characteristic of the employee's regular schedule, the number of hours in a pay status divided by the number of work days in the two previous pay periods shall be used to determine the holiday benefit.

Except for employees who are exempt from overtime, all time worked on any holiday is compensated at the rate of time and one-half in addition to holiday pay. Exempt employees who work on a holiday are entitled to additional time off at the rate of one hour for each hour worked, to be taken at a time agreeable to the employee and employer.

An employee scheduled for a day off on the day that the holiday is observed shall be entitled to receive a day off with pay on the day preceding the holiday or on another day following or as requested by the employee and approved by the supervisor.

Temporary employees will be paid for the holiday if normally scheduled to work. If a temporary employee works on the holiday, the hours worked will be paid at 1½ times their hourly rate.

Equivalent paid time off for work performed on a holiday may be taken at a later date upon request by the employee and approval of the supervisor. When an employee requests to take the hours off and where the interest of the state requires the employee's attendance, the state's interest overrides the employee's.

Holidays, including those allowed in lieu of the actual holiday, occurring while an employee is on paid sick or annual leave are earned by the employee and not charged as sick or annual leave.

None of the provisions on holiday pay apply to student employees. Students are paid their regular hourly wages for any hours worked on a holiday.

**IV. AUTHORITY**

MOM 3-0325; MCA 2-18-603; BOR 801.5; MCA 1-1-216; MCA 20-25-306; ARM 2.21.620(3)

**V. RESPONSIBILITY**

Vice Chancellor for Administration & Finance/Student Affairs, Pay/Benefits Specialist