

PART 2051 - HOURS AND PAY

Subpart I - Holidays and other Non-Workdays

§ 2051.401 Definitions.

(a) Holiday. Is a day or any part of a day in which Agencies are closed due to the occurrence of a legal public holiday or when ordered by Federal Statute or Executive Order.

(b) Non-workday. Is any day during the regularly scheduled administrative workweek so designated by administrative order.

(c) Holiday Work. Is non-overtime work performed by employees during their regularly scheduled daily tour of duty on a holiday.

§ 2051.402 Holidays.

If the holiday is on Sunday, the employees' holiday is Monday. If a holiday is on Saturday, the employees' holiday is Friday.

(a) Designated Holidays.

New Year's Day, January 1  
Birthday of Martin Luther King, Jr., Third Monday in January  
President's Day, Third Monday in February  
Memorial Day, Last Monday in May  
Independence Day, July 4  
Labor Day, First Monday in September  
Columbus Day, Second Monday in October  
Veterans Day, November 11  
Thanksgiving Day, Fourth Thursday in November  
Christmas Day, December 25  
Inauguration Day, January 20  
(Observed every fourth year. Applies to employees who work in the District of Columbia, Montgomery and Prince Georges Counties in Maryland, Arlington and Fairfax Counties in Virginia, and the cities of Alexandria and Falls Church in Virginia.)

(b) "In Lieu of" Holidays and Flexible or Compressed Work Schedules. Full-time employees on compressed and/or flexible schedules who are not scheduled to work on a holiday receive an "in lieu of" holiday on the workday before the holiday regardless of the pay period it affects. There are three exceptions:

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RD Instruction 2054-I  
§ 2051.402(b) (Con.)

- (1) If the non-workday is Sunday, the next workday, Monday, is the "in lieu of" holiday.
- (2) If Inauguration Day falls on a non-workday, there is no provision for an "in lieu of" holiday.
- (3) If the head of an agency determines that a different "in lieu of" holiday is necessary to prevent an "adverse agency impact," he/she may designate a different "in lieu of" holiday for full-time employees under compressed work schedules.

Part-time employees are not entitled to an "in lieu of" holiday if the designated holiday is a non-workday for them.

- (c) Requesting and documenting administratively authorized work on holidays. Follow the procedures contained in RD Instruction 2051-H, for approval requests, justification, reports and records.

§ 2051.403 Non-workdays.

- (a) Closing of offices under special circumstances. Offices may be closed by administrative order by the following officials:
  - (1) the Secretary of Agriculture.
  - (2) the Under Secretary, Deputy Administrators, State Directors, and the St. Louis Board of Directors when work cannot be done due to the following:
    - (i) State or local holidays. Offices may be closed only when the employees cannot work because:
      - (A) The building where the employees work is closed or the building services needed for working are not operating.
      - (B) Problems with local transportation stop employees from coming to work.
      - (C) The work of the employees consists largely or entirely in dealing directly with employees and officials of businesses or local government offices, and they cannot be assigned any other work consistent with their normal duties.

§ 2051.403(a)(2) (Con.)

(ii) Extreme emergency. Offices may be closed due to events beyond the control of management such as extreme weather conditions, fires, floods, or serious interruption to public transportation services.

(iii) Lack of facilities. Offices or portions of offices may be closed for short periods when employees cannot work due to such factors as rebuilding, power failure, breakdown of machines, etc. Managers should try to keep offices open or arrange for temporary facilities before considering closure.

(b) Making a report on the closing of offices. If an office is closed by administrative order during the regular workweek, the Under Secretary should be provided with a memorandum with the reasons for closing the office. If the office will be closed for more than three work days, this memorandum should include the number of employees affected, the work and leave status of these employees, the estimated duration of the closure, and the steps that are being taken to resume office operations. The management official who authorized closing the office should retain a copy of this memorandum.

(c) Hazardous weather and other types of administrative dismissals. Please see RD Instruction 2066-A.

§ 2051.404 Pay.

(a) Pay for holidays and non-workdays.

(1) Flexible Work Schedules:

(i) Full-time employees prevented from working on a holiday (or an "in lieu of" holiday) are entitled to their rate of basic pay for 8 hours for that day. Employees under flexible work schedules are credited with 8 holiday hours even if they would otherwise work more hours on that day.

(ii) Similarly, part-time employees are only given holiday pay for actual hours scheduled to be worked on the holiday, not to exceed 8 hours.

(2) Compressed Work Schedule:

(i) Full-time employees prevented from working on a day designated as a holiday (or an "in lieu of" holiday) are entitled to their rate of basic pay for the number of hours of the compressed work schedule on that day.

(ii) Part-time employees prevented from working on a day designated as a holiday are entitled to their rate of basic pay for the number of hours of the compressed work schedule on that day.

(b) Pay for work on holidays.

(1) Flexible Work Schedules:

(i) Full-time employees are entitled to holiday premium pay if they are required to work during the hours of their "basic work requirement" (i.e., non-overtime hours) on that day, not to exceed 8 hours.

(ii) Part-time employees are entitled to holiday premium pay only for work performed during their basic work requirement on a holiday (not to exceed 8 hours).

(2) Compressed Work Schedule:

(i) Full-time employees are entitled to holiday premium pay if they are required to work during their "basic work requirement" on that day. The number of hours of holiday premium pay may not exceed the hours in an employee's compressed work schedule for that day (e.g., 8, 9, or 10 non-overtime hours.)

(ii) Part-time employees do not receive holiday premium pay for working on an "in lieu of" holiday for full-time employees.

(3) Intermittent employees who work on a holiday are entitled to regular pay but not holiday premium pay for the time they work.

(c) Pay for overtime work on holidays. Employees are entitled to overtime pay, or compensatory time off, when applicable, if required to work overtime on a holiday.

§ 2051.404 (Con.)

(d) Pay for night work on holidays. Employees are entitled to night pay for regularly scheduled work at night, including actual work performed at night during holiday hours or overtime hours. Night pay is in addition to holiday premium pay or overtime pay.

(e) Pay for work on days designated as non-workdays by administrative order. Employees who work on non-workdays are paid at their regular rate of pay.

§§ 2051.404 - 2051.450 [Reserved]

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