

**ARTICLE 10  
HOLIDAYS**

**A. UNIVERSITY HOLIDAYS**

The University shall observe the following days as holidays:

New Year's Day	Veterans Day
Martin Luther King, Jr. Day	Thanksgiving Day
Third Monday in February (or announced equivalent)	Friday following Thanksgiving (or announced equivalent)
Last Monday in May	December 24 (or announced equivalent)
Fourth of July	Christmas Day
Labor Day	December 31 (or announced equivalent)

Cesar Chavez Day (Cesar Chavez floating holiday as provided in Section B., below)

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

The total number of holidays shall not exceed 13 holidays in a calendar year.

**B. PERSONAL HOLIDAY FOR EMPLOYEES AT MEDICAL CENTER/HOSPITAL LOCATIONS**

1. Each member of the unit who works at a medical center hospital or clinic who is not working on an academic calendar shall be entitled to one (1) floating holiday in lieu of Cesar Chavez Day mentioned in Section A., above, under the following circumstances:
  - a. The employee is a member of the unit on August 1st of the applicable contract year; and
  - b. The employee uses the one (1) day between August 1<sup>st</sup> and July 31<sup>st</sup> of each contract year. In the event the employee does not use the Personal Holiday time before April 30<sup>th</sup>, the University may schedule the use of the holiday prior to July 31<sup>st</sup>. In the event the employee does not use the Personal Holiday time prior to the end of the contract year, the University will, at its sole non-grievable discretion, convert the Personal Holiday to either compensatory time and placed into the employee's holiday compensatory time bank, or pay.
2. The University shall grant requests for use of personal holiday time in accordance with hospital and clinic scheduling needs.

## C. HOLIDAY TIME PAY

### 1. Eligibility

An employee is eligible for holiday time pay if the employee is on pay status at least fifty-percent (50%) of the hours in the appropriate pay cycle, excluding holiday hours. The employee must also work the last scheduled work day before the holiday and the first scheduled work day after the holiday, in order to receive holiday pay.

No employee shall receive holiday pay for any holiday, which is immediately preceded by or followed by an unauthorized absence or a disciplinary suspension.

### 2. Compensation for Holidays

All eligible employees shall receive holiday time for the thirteen (13) holidays provided for in this Article, except as provided in Section B., above, whether or not the holiday is worked. The decision pertaining to the method of payment for the holiday, which can either be paid in straight-time compensatory time off or in actual straight-time pay, shall be at the sole non-grievable discretion of the University.

- a. An eligible full-time, non-exempt employee shall receive eight (8) hours of holiday time, regardless of his or her work schedule.
- b. An eligible part-time, non-exempt employee shall receive proportionate holiday time, up to the maximum of eight (8) hours per holiday as provided in Section C.1. above. Such holiday time is calculated on the number of hours in pay status in the month (for monthly paid employees) in which the holiday falls, or the two (2) pay periods immediately preceding the pay period in which the holiday occurs (for bi-weekly paid employees).

### 3. Pay For Holidays Worked

In addition to Section C.2., above, an employee shall be paid for all hours actually worked on the named holidays in accordance with the following:

- a. FLSA non-exempt employees shall be paid at the rate of time and one-half (1 ½) regular pay for hours worked on Thanksgiving Day, Christmas Day (December 25<sup>th</sup>), New Year's Day (January 1<sup>st</sup>), the Last Monday in May, Fourth of July and Labor Day.
- b. FLSA non-exempt employees and all FLSA exempt employees shall be paid regular pay at the straight-time rate for hours actually worked on all other holidays.

### 4. Holiday Time As Compensatory Time

When holiday time is placed in a compensatory time bank, such bank shall be a straight-time holiday bank, and shall be kept separate from any other compensatory time bank. Holiday compensatory time banks shall be paid out in accordance with Article 11, Hours of Work, B.13.c, Compensatory Time Bank.

**D. RELIGIOUS OBSERVANCE**

By charging time off to vacation, compensatory time off (for non-exempt employees), or leave without pay, an employee may observe a special or religious holiday if the University determines that work schedules permit.

**E. TEMPORARY LAYOFF**

A full-time employee on a temporary layoff of not more than twenty (20) calendar days, including holidays, shall receive pay for any holiday, which occurred during that period.

**F. LAWRENCE BERKELEY NATIONAL LABORATORY**

1. A new full-time employee will be paid for any holiday immediately following his or her last 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 advance supervisory approval, on Cesar Chavez Day (the last Friday in March) or Veterans Day (November 11). The Laboratory will be open on both Cesar Chavez Day and Veterans Day and closed during winter shut-down. Employees electing to use the floating holiday on either Cesar Chavez Day or Veterans 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 Veterans Day will be paid for hours worked only. They will not receive additional holiday pay.