



Holiday Leave and Holiday Pay Premium Policy – Public Safety Employees

Policy Number: PP 2-3.1

Effective Date: February 1980

Approved By: Roger L. Stancil, Town Manager

POLICY

All regular full- and part-time employees of the Town receive holiday leave for all Town-designated holidays. Employees who are called in or required to work on any designated Town holiday receive a holiday premium. Public Safety employees have different holiday leave/pay procedures because the Town must maintain adequate coverage for essential public safety services.

PURPOSE

Holiday Leave for Town holidays is provided as an employment benefit to all regular Town employees. We recognize that essential town services must continue during holidays. Providing a Holiday Premium for regular employees who must work on holidays supports Equity in the workplace and rewards Professionalism.

R.E.S.P.E.C.T. VALUES



Equity: Although we may hold different roles in the organization, we all work toward the common goal of serving the Town and the Town's residents and customers. Therefore, we seek and support policies and actions that are administered consistently and fairly to everyone regardless of rank, tenure or personal background.



Professionalism: We are committed to the excellence and accountability of our own performance as well as the performance of the organization. We carry out our jobs efficiently and effectively, are open to feedback about our performance and show a willingness to learn.

APPROVAL

Roger L. Stancil, Town Manager



Holiday Leave and Holiday Pay Premium Procedures For Public Safety Employees

Policy Number: PP 2-3.1

Effective Date: February 1980

Approved By: Cliff Turner, Human Resources Development Director

PROCEDURES

Public Safety positions covered under this provision include those sworn employees who may be required to work on a Town designated holiday in order to maintain public safety staffing levels. Certain administrative or other positions may not be covered under this section. The Department Head, in consultation with Human Resource Development, will designate which positions fall under these procedures.

The Town's recognized holidays are outlined in the Code of Ordinances, Section 14-68-69 and published on the Town's calendar. Departments may modify the date they observe the holiday in order to meet operational requirements. Departments should submit these modifications to Human Resource Development and Business Management no later than November of each year for the following year. The Director of the Human Resource Development Department is authorized to issue procedures consistent with this policy.

A. HOLIDAY LEAVE GENERAL PROVISIONS: PUBLIC SAFETY EMPLOYEES:

1. Must be in Pay Status: an employee must be in pay status during the week in which the holiday occurs to receive Holiday Leave.
 - a) FMLA: An employee who is in pay status during an FMLA leave will receive Holiday Leave for a holiday that occurs while they are in pay status. Any Holiday Leave received while on FMLA is paid out to the employee in the pay cycle that includes the holiday. However, **it does not increase** the total amount of FMLA leave time available to the employee. An employee who is on unpaid FMLA leave does not receive Holiday Leave for holidays that occur during the leave period.
 - b) Workers Compensation: An employee who is on workers compensation is covered under current workers compensation law regarding holiday Leave.
2. If the employee is using their own paid leave when the holiday occurs: the employee receives Holiday Leave for the holiday and does not have to use annual or sick leave for that day. The Holiday Leave is paid out in the pay cycle that includes the holiday.

- a) Special Paid Leave Programs funded by the Town: Holiday Leave is included as part of these types of paid leave programs. An employee who is on any type of Town-sponsored special paid leave, such as paid parental leave, does not receive any additional pay or leave time as a result of the holiday. The leave is not extended because there is a holiday.
3. Coordination With Overtime: Holiday Leave hours are not used when computing overtime for FLSA non-exempt employees. Only hours actually worked during the pay period count towards overtime pay for FLSA non- exempt employees.

B. HOW HOLIDAY LEAVE IS CREDITED AND USED—PUBLIC SAFETY EMPLOYEES:

1. **If a Public Safety Employee does not work on the Holiday:** The employee receives their usual pay for the pay period. Holiday Leave is banked and used for time off later. The amount of time credited for these employees is shown below in Table 2. This time is commonly referred to as **USE ONLY** time. **USE ONLY** time cannot be sold back to the Town; it must be used for time off. Any unused **USE ONLY** balance of more than one workweek equivalent will be rolled over into an employee’s sick time balance at the end of each fiscal year. Maximum Balances are shown below in Table 1.

Table 1

Position and Number of Scheduled Hours	Maximum Holiday USE/SELL Banked Hours
Police Officers—42 hour	42
Firefighters –56 hour	56
Any other schedule	Pro-rated accordingly

2. USE ONLY time forfeited when leaving Town employ: when a public safety employee leaves Town employ for any reason other than retirement, any remaining USE only balances are forfeited.

Example

Khalid is a police officer with 28 hours of banked USE ONLY holiday time. His partner gets a job in another state, so his last day of work is April 17. He didn’t use his USE only time before he left. Khalid would forfeit his 28 hours of USE only time.

If Khalid had retired instead of leaving for another job, his 28 hours could be rolled into sick time.

TABLE 2

USE ONLY Holiday Leave for Public Safety Employees Not Working on a Holiday

• Type of Public Safety Employee	• Amt. of Holiday Leave Hours
Firefighter 212 hour pay cycle	11.2
Fire employee 40 hour workweek	8
Police Officer 168 hour pay cycle	8.4
Police officer 40 hour workweek	8

3. If Public Safety Employee works on the Holiday:

- a) FLSA-Exempt Employee: An exempt employee who is REQUIRED to work on a Town Holiday will receive their Holiday Leave as part of their regular pay for the pay period. They will receive Holiday Premium as an hour for hour credit of time worked credited to their compensatory time balance. These hours can be used for time off at a later date and have no cash value upon separation from employment. An exempt employee must be required by their supervisor to work on a Town holiday in order to receive holiday premium hours.

Example

Liu Wei is an FLSA-exempt employee in the police department. Her supervisor told her she needed to work on the July 4th Holiday. She worked 9 hours. She will be paid her regular rate of pay, plus she will earn nine hours of compensatory time.

- b) FLSA Non-Exempt Employee: The employee receives their usual pay for the pay period. The amount of the Holiday Leave, plus the amount of the Holiday Premium is banked as **Holiday USE/SELL hours**. These hours can either be used for time off later or paid out to the employee. When an employee leaves Town employ, any remaining **USE/SELL** hours are paid out. More information on this process is in the "Banking and Selling Holiday Use/Sell Banked Hours" section below.

C. HOLIDAY USE/SELL BANKED HOURS PROCEDURES FOR FLSA NON-EXEMPT PUBLIC SAFETY EMPLOYEES

- 1. General Provisions: When a non-exempt Public Safety Employee is required to work on a Town Holiday, the employee will be paid at their regular rate of pay and will additionally receive their Holiday Leave AND Holiday Premium in the form of USE/SELL Hours.

TABLE 3

Examples of USE/SELL Hours Credited For Typical Holiday Shifts-Non-Exempt Public Safety Employees

Type of Employee and shift worked	Firefighter working 24 hour shift (56 hour pay period)	Fire employee working other schedules	Patrol Officer working 12 hour shift (42 hour pay period)	Police Officer working any other shifts
Total amount of USE/SELL Hours (holiday leave + holiday premium)	18	<u>See Table 2 for leave hours</u> plus 50% of hours actually worked	18	<u>See Table 2 for Leave hours</u> + 50% of hours actually worked

A Public Safety Employee who does not work a full shift on a holiday receives holiday premium hours pro-rated based on the number of hours worked. See Examples below.

2. Banking and Selling Holiday Use/Sell Banked Hours

Public Safety non-exempt employees may choose to:

- a) bank their holiday USE/SELL hours for use as paid time off at a later time;
- b) Be paid for these hours at straight time at any point during the year

3. Maximum Holiday USE/SELL Banked Hours: Public Safety employees may carry a maximum balance of Holiday USE/SELL Banked Hours as follows:

Table 4

Position and Number of Scheduled Hours	Maximum Holiday USE/SELL Banked Hours
Police Officers—42 hour	42
Firefighters –56 hour	56
Any other schedule	Pro-rated accordingly

All USE/SELL Banked Hours over this amount will be paid out in the next regular pay cycle.

- a) Period from Thanksgiving to Dr. Martin Luther King, Jr. Holiday: The Town recognizes that this time period includes 7 of the Town’s 11 holidays. Public Safety Employees may exceed these balances during these time periods. Balances must be used or paid out by the last payroll of April.

4. Using Holiday USE/SELL Banked Hours: An employee can chose to use_Holiday USE/SELL Banked Hours for any type of leave request.

5. Getting paid for Holiday USE/SELL Banked Hours: A non-exempt public safety employee may choose to be paid out for Holiday USE/SELL Banked Hours at any point during the year. The employee should notify the person responsible for their payroll processing of their intent and follow department procedures. Holiday USE/SELL Banked Hours are processed and paid out during the next regular pay cycle after they have been submitted to payroll processing.

PROCEDURES
CONT.

Sarah is a Chapel Hill firefighter who works 24 hour shifts

Example #1 Sarah was scheduled and worked on July 4th.

- a. She will receive her usual paycheck for this pay period.
- b. Because she worked on the holiday, she will receive Holiday Leave (12 hours) plus her Holiday Premium (6 hours). She can bank these for USE/SELL at a later date.

PROCEDURES
CONT.

Sarah is a Chapel Hill firefighter who works 24 hour shifts

Example #2 Sarah did not work on New Year's Day because she wasn't scheduled.

- a. Sarah will receive her usual paycheck for this pay period.
- b. Sarah will receive 11.2 hours of Holiday Leave, which are USE only. She can use this time within the year or have them transferred to sick leave.

De'Andre is a Chapel Hill police officer working patrol.

Example #1 De'Andre was not scheduled to work on July 4.

- a. De'Andre will receive his regular pay for the pay period
- b. De'Andre will receive 8.4 hours of Holiday Leave, which he can ONLY use for time off later. He cannot "sell" this time back to the Town.

Example #2 De'Andre was scheduled and worked a 12 hour shift on New Year's Day.

- a. De'Andre will receive his regular pay for the pay period
- b. De'Andre will receive Holiday Leave (12 hours) and his Holiday Premium (6 hours)). He can bank these for USE/SELL at a later date.

PROCEDURES
APPROVED BY

Cliff Turner, Human Resources Development Director



ADDITIONAL
CONTACTS

Payroll Office 919-968-2712 or payroll@townofchapelhill.org
Human Resource Development 919-968-2700 or HR@townofchapelhill.org
Ombuds Office 919-265-0806 or Ombuds@townofchapelhill.org

DEFINITIONS

Holiday Leave: The Current Town ordinance recognizes 11 holidays. All regular full and part time employees receive holiday leave for each holiday as a benefit of employment. The amount of holiday leave an employee receives is calculated on their base work hour schedule.

Holiday Premium: is the way an employee is compensated when the employee must work on a Town holiday. Exempt employees receive hour for hour compensatory time credit; non-exempt employees receive 1.5 times their hourly rate of pay.

DEFINITIONS CONT.

Public Safety Employee: An employee whose principal duties include services requiring specialized training in the area of police protection, firefighting services, or emergency medical services.

Pay Status: A full or part-time employee is considered to be in pay status if the employee's work hours and /or use of paid leave for a pay period is equivalent to at least 50% of the employee's normal work hours for that pay cycle. Employees who are receiving Workers' Compensation benefits are considered to be in pay status. Employees not in "pay status" are considered to be in an unpaid status.

RESPONSIBILITIES

All Employees are expected to:

- a) Be aware of the Town's Holiday Leave and Holiday Premium policy and procedure
- b) Report hours worked accurately

All Supervisors/Managers and Department Heads are expected to:

- a) Follow the Holiday Leave and Premium Policy
- b) Make reasonable efforts to allow regular employees to have holidays off from work by scheduling program support employees when feasible

All Human Resource Development staff members are expected to:

- a) Provide Guidance for employees and managers on the policy and procedures.

SCOPE

All qualifying Town of Chapel Hill Public Safety Employees are covered by this policy.

RELATED INFORMATION

[Town of Chapel Hill Code of Ordinances Section 14-83.](#)

POLICY HISTORY

Issued February 1980
Reissued November 2000
Reissued September 1, 2018

This policy replaces and supersedes any previous Town policies, departmental policies, handbooks, or unwritten policies or practices covering the same subject. Departmental policies in compliance with this policy are referenced in Section XI **Related Information**. In the event of any disparity between this policy and the Town's Code of Ordinances and/or applicable local, state, or federal laws, the Town's Ordinance and/or applicable laws shall prevail.

EXAMPLES

Examples of Prorated Holiday Leave and Holiday Premium

#1: John is scheduled to work on July 4th. He comes in and works 14 hours, but leaves early for the day and uses vacation for the remaining 10 hours. John would automatically get 12 hours of holiday leave for the day. He would also get 3.54 hours of premium pay for work on that day (14 hrs. worked/24 hr. shift = 59% of the day worked - - $59\% \times 6 \text{ hrs.} = 3.54 \text{ premium hours}$). His total holiday pay for the July 4th holiday would be 15.54 hrs. that he can bank or sell w/in the 28 day cycle.

#2: Sara is scheduled to work on New Year's Day. She comes in for 6 hours, but is sick and leaves early using 18 hours of sick leave for the remainder of the day. Sara will automatically get 12 hours of holiday leave for the day. She would also get 1.5 hours of premium pay for work that day (6 hrs. worked/24 hr. shift = 25% of the day worked - - $25\% \times 6 \text{ hrs.} = 1.5 \text{ premium hours}$). Her total holiday pay for the New Year's Day holiday would be 13.5 hrs. that she can either bank or sell w/in the 28 day cycle.