

MSU Billings

Personnel Procedures

POLICY REFERENCE: **Holidays**

OTHER REFERENCES: MUS 708.1, 708.1.1, 801.5; MOM 3-0325; 2-18-603, 1-1-216, 20-25-306, M.C.A.; Collective Bargaining Agreements

DATE ADOPTED/REVISED: 10/08/08

I. DEFINITIONS

A. Holiday: A legal state holiday as provided in 1-1-216, M.C.A. A holiday begins at midnight and ends at 11:59 p.m.

B. Holiday Benefits: 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 MSU-Billings 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.

C. Normally Works: The employee works a regular schedule that typically is anticipated to last longer than one (1) month. A regular schedule is a work schedule set by the department for which an employee is either expected to work or use approved leave.

II. 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:

- A. New Year's Day - January 1
- B. Martin Luther King Jr. Day - Third Monday in January
- C. President's Birthdays - Third Monday in February
- D. Memorial Day - Last Monday in May
- E. Independence Day - July 4
- F. Labor Day - First Monday in September
- G. Veterans' Day - November 11
- H. Thanksgiving Day - Fourth Thursday in November
- I. Friday after Thanksgiving (exchanged for Columbus Day)
- J. Christmas Day - December 25
- K. State general election day - even-numbered years

"If any holiday . . . falls upon a Sunday, the Monday following is a holiday," as provided in 1-1-216, M.C.A. When a holiday falls on a Saturday, the holiday shall be observed on the preceding Friday, except as provided for in ARM 2.21.620(3).

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

- A. The Friday following Thanksgiving,
- B. The Monday before Christmas Day or New Year's Day if either holiday falls on Tuesday,
- C. The Friday after Christmas Day or New Year's Day if either holiday falls on Thursday.

III. ELIGIBILITY FOR HOLIDAY PAY

Full-time and part-time regularly scheduled employees receive paid holiday leave or compensation if they are in an active pay 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 these procedures or collective bargaining agreements. If an employee fails to work either day without advance approval of the supervisor, the employee will forfeit holiday pay. 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 terminating employment.

Part-time employees receive holiday pay on a prorated basis. Holiday benefits are an average of the employee's hours regularly scheduled to work. If the pay period in which the holiday falls is not characteristic of the employee's regular schedule, it is the discretion of MSU Billings to approximate the employee's schedule for purposes of determining holiday benefits.

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.

Temporary employees will be paid for the holiday if they are normally scheduled to work on the observed holiday.

A regularly scheduled employee whose schedule calls for a day off on the day a holiday is observed, as provided in 2-18-603, M.C.A., "shall be entitled to receive a day off with pay on the day preceding the holiday or on another day following the holiday in the same pay period" or as requested by the employee and approved by the supervisor, "whichever allows a day off in addition to the employee's regularly scheduled days off . . ." If a day off cannot be provided, the department may provide eight hours of pay at the regular rate. If a department provides holiday pay in lieu of an alternate day off, such pay shall not be included in determining hours worked for purposes of overtime calculation.

Holidays, including those allowed in lieu of the actual holiday, occurring while an employee is on paid sick or annual leave are 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.