

## **ARTICLE 9 HOLIDAYS**

### **A. UNIVERSITY HOLIDAYS**

The University shall observe the following days as administrative holidays:

- New Year's Day
- Martin Luther King, Jr. Day
- Third Monday in February (or announced equivalent)
- Cesar Chavez Day, or as provided in Section D. for bargaining unit employees working in medical centers (at LBNL, subject to DOE approval)
- Last Monday in May
- Fourth of July
- Labor Day
- Veterans Day (at LBNL, subject to DOE approval)
- Thanksgiving Day
- Friday following Thanksgiving Day (or announced equivalent)
- December 24 (or announced equivalent)
- December 25
- December 31 (or announced equivalent)

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

### **B. ELIGIBILITY**

1. An employee is eligible for holiday pay if the employee is on pay status at least fifty percent (50%) of the hours in the month or quadri-weekly cycle, excluding holiday hours.
2. An employee on pay status on the employee's last scheduled work day before the holiday and first scheduled work day after the holiday shall be eligible to receive holiday compensation as provided in Section C., below. No employee shall be eligible for compensation for any holiday which is immediately preceded by or followed by an unauthorized, unpaid absence or a disciplinary suspension.
3. New and rehired employees shall be eligible to receive pay or compensatory time off for holidays preceding their first day of work provided the holiday is the first working day(s) of the month or quadri-weekly cycle. A terminating employee shall be eligible to receive pay for holidays immediately following the employee's last day of work provided the holiday is the last working day(s) of the month or quadri-weekly cycle.
4. An eligible employee who is on approved leave without pay or temporary

layoff for a period of not more than twenty (20) calendar days, including holidays, shall be eligible to receive pay for any holiday occurring during that period.

**C. HOLIDAY TIME/PAY**

**1. Compensation For Holidays Not Worked**

- a. An eligible full time employee shall receive eight (8) hours of holiday pay, regardless of the number of hours in her/his shift, and regardless of whether or not it was worked, except as provided in Section B. 2., above.
- b. An eligible part-time employee shall receive proportionate holiday pay, up to the maximum of eight (8) hours per holiday, as provided in Section B.2., above. Such holiday pay is calculated on the number of hours in pay status in the month or quadri-weekly cycle in which the holiday falls, excluding holiday hours.

**2. Compensation For Holidays Worked**

- a. With the exception of the provisions in Section C.2.b., below, an employee required to work on a holiday listed above shall be paid at the employee's regular straight-time rate of pay for the hours actually worked. In addition, an eligible employee shall receive either compensatory time off or holiday pay at the option of the University at the regular straight-time rate, including any shift differential.
- b. An employee shall be paid at the rate of time and one-half times (1½ X) regular pay for hours actually worked on the last Monday in May, the Fourth of July, Labor Day, December 25th, Thanksgiving Day and New Years Day, and no alternate dates may be designated by the University.
- c. A full time employee may be required actually to work her/his normally scheduled number of work days, excluding the holiday(s), at the straight time rate during weeks in which a holiday(s) occurs. In the event an employee is required to work her/his scheduled number of days on four (4) or more such weeks in a calendar year, the holiday hours in the fourth (4th) holiday week and beyond shall be counted as hours worked. This provision does not apply to employees who are employed to cover only weekend or only holiday schedules.

**D. CESAR CHAVEZ DAY FOR EMPLOYEES AT MEDICAL CENTER HOSPITALS**

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) personal holiday in recognition of Cesar Chavez under the following circumstances: Commencing in fiscal year 2005-06:

- a. The employee is a member of the bargaining unit on March 1, and
  - b. The employee uses the (1) day between March 1 and February 28<sup>th</sup> of the following year.
2. In the event the employee does not use the personal holiday time prior to February 28<sup>th</sup> following the year in which it was accrued, the University shall have the discretion to compensate employees for the personal holiday time either by converting it to compensatory time and placing it into the employee's holiday compensatory time bank, or by pay.
  3. The University shall grant employee requests to use the holiday time in accordance with hospital and clinic scheduling needs and such requests shall not be unreasonably denied.

**E. RELIGIOUS OBSERVANCE**

By charging time off to vacation, compensatory time off, or leave without pay, an employee may observe a special or religious holiday if the University determines that work schedules permit. Such requests shall not be unreasonably denied.

**F. RESTRICTIONS**

1. In the administration of the provisions of this Article there shall be no duplication, pyramiding, or compounding of any premium wage payments provided herein with any other wage payments provided in any other provision of the Agreement.
2. Holiday pay shall not count as time worked for the purpose of calculating overtime, except as provided in Section C.2.c., above.

**G. MAJOR HOLIDAYS**

Major holidays are designated for scheduling purposes, only. Major holidays are defined as the two (2) day holiday period for Thanksgiving, December 25, and January 1. The University will guarantee each member of the bargaining unit the opportunity to take one (1) of those two (2) day periods off regardless of the dates on which the University celebrates those holidays. Operational needs permitting, the University will endeavor to grant one (1) additional two (2) day period off. Straight time holiday pay eligibility shall be determined by the official University holiday schedule. This provision does not apply to employees who are employed to cover only weekend or only holiday schedules.

**H. LAWRENCE BERKELEY NATIONAL LABORATORY**

Policies, procedures, definitions, and qualification in effect at PERB's certification of CUE Teamsters, on November 21, 1997, relative to holiday pay for new, rehired, or terminating full-time employees shall remain in effect for employees at the

**Lawrence Berkeley National Laboratory and shall supersede the provisions of Section B.3., above when in conflict with the Agreement.**