

# Pay & Leave

## PAY ADMINISTRATION

### Fact Sheet: Federal Holidays— “In Lieu Of” Determination

All full-time employees, including those on flexible or compressed work schedules, are entitled to an “in lieu of” holiday when a holiday falls on a nonworkday. Part-time and intermittent employees are not entitled to an “in lieu of” holiday. If an agency’s office or facility is closed due to an “in lieu of” holiday for full-time employees, the agency may grant administrative leave to part-time employees who are otherwise scheduled to work on that day. (See 63 Comp. Gen. 306 (1984).)

“In lieu of” holidays must be observed on the specific days indicated below:

- The general rule is that the “in lieu of” holiday is the workday immediately **preceding** the nonworkday on which the holiday fell. This general rule applies except as noted below.
- When the holiday falls on a Sunday nonworkday (or, for an employee whose basic workweek includes Sunday, a nonworkday (if any) designated as the employee’s in-lieu-of-Sunday nonworkday), the “in lieu of” holiday is the workday immediately **following** the nonworkday. (See 5 U.S.C. 6103(b) and sections 3(a) and (b) of Executive Order 11582, February 11, 1971.)
- For full-time employees on compressed work schedules, if the head of an agency determines that a different “in lieu of” holiday is necessary to prevent an “adverse agency impact,” he or she may designate a different “in lieu of” holiday. (See 5 U.S.C. 6103(d) and 6131(b).)

Agencies may not designate, or permit employees to choose, a different “in lieu of” holiday. However, the regular day off of an employee on an alternative work schedule or non-standard schedule may be changed (subject to applicable agency policy and collective bargaining agreement provisions) to another day in the pay period, which may affect whether a holiday falls on a nonworkday.

An employee is not entitled to another day off as an “in lieu of” holiday if a Federal office or facility is closed on a holiday because of a weather emergency or when employees are furloughed on a holiday.

## Frequently Asked Questions

### Q1. What day is the “in lieu of” holiday for a full-time employee when the designated holiday falls on a nonworkday?

A1. When a holiday falls on a nonworkday outside a full-time employee’s basic workweek, he or she is entitled to an “in lieu of” holiday. The general rule is that the “in lieu of” holiday is the workday immediately **preceding** the nonworkday on which the holiday fell. However, when the holiday falls on a Sunday nonworkday (or, for an employee whose basic workweek includes Sunday, a nonworkday (if any) designated as the employee’s in-lieu-of-Sunday nonworkday), the “in lieu of” holiday is the workday immediately **following** the nonworkday. (See 5 U.S.C. 6103(b) and section 3 of Executive Order 11582, February 11, 1971.)

For employees whose basic workweek is Monday through Friday—

- If a holiday falls on a **Saturday**, the **Friday** immediately before is the legal holiday.
- If a holiday falls on a **Sunday**, the following **Monday** is the legal holiday.

For employees whose basic workweek is other than Monday through Friday, but does not include Sunday—

- If a holiday falls on one of the employee’s regular nonworkdays other than a Sunday, the employee’s workday immediately before that regular nonworkday is the legal holiday.
- If a designated holiday falls on a Sunday (nonworkday), the employee’s next workday is the legal holiday.

For employees whose basic workweek includes a Sunday, the agency may designate one of the employee’s nonworkdays within this tour of duty as a deemed Sunday (i.e., designated “in lieu of” Sunday) for the purpose of applying the “in lieu of” holiday rules. In these instances, the agency must determine which nonworkday would be considered the employee’s deemed or “in lieu of” Sunday. If a holiday falls on the designated in-lieu-of-Sunday nonworkday, the next workday after that nonworkday will be the “in lieu of” holiday. For example, if an employee has a 5-day Thursday-Monday workweek with nonworkdays of Tuesday and Wednesday, the agency could designate the second nonworkday, Wednesday, as the deemed or “in lieu of” Sunday. If the November 11<sup>th</sup> Veterans Day holiday fell on Wednesday, then the “in lieu of” holiday would be the next workday, which would be Thursday.

Thus, for employees whose basic workweek includes Sunday and who have a nonworkday designated as the deemed or “in lieu of” Sunday—

- If a holiday falls on a nonworkday that is not a deemed Sunday, the employee's workday immediately before that regular nonworkday is the legal holiday.
- If a holiday falls on the employee's deemed Sunday, the employee's next workday is the legal holiday.

**Q2. When a holiday falls on an employee's regular day off under an Alternative Work Schedule (i.e., AWS day off), does the employee's AWS day off change? Is the employee entitled to an "in lieu of" AWS day off?**

A2. No. An employee's AWS day off (nonworkday) does not change. Since the holiday falls on a nonworkday, the employee is entitled to an "in lieu of" holiday. Therefore, the agency must apply the rules in Q1 and determine the "in lieu of" holiday for employees on alternative work schedules.

**Q3. What is the "in lieu of" holiday for an employee on an alternative work schedule (AWS) (i.e., flexible work schedule or compressed work schedule) whose regularly scheduled AWS day off is the same day as the holiday?**

A3. For full-time employees on an AWS schedule whose regularly scheduled nonworkday falls on the designated holiday, the employee's "in lieu of" holiday is determined as provided in Q1 above.

**Q4. May an agency change an AWS employee's "in lieu of" holiday?**

A4. No, with one limited exception. An agency may select an alternative "in lieu of" holiday for employees on fixed compressed work schedules if the agency head determines that a different "in lieu of" holiday is necessary to prevent an "adverse agency impact," as defined in 5 U.S.C. 6131(b). (See 5 U.S.C. 6103(d).)

Although there is no authority for an agency to change the "in lieu of" holiday for an employee on a flexible work schedule, the employee may reschedule his or her AWS day off consistent with agency policy.

**Q5. Are part-time or intermittent employees entitled to an "in lieu of" holiday?**

A5. No, there is no authority to grant an "in lieu of" holiday to part-time or intermittent employees. Part-time employees are entitled to a holiday only if they have a regularly scheduled basic (i.e., nonovertime) tour of duty on the actual day provided as the holiday through statute or an Executive order. Intermittent employees do not have a regularly scheduled tour of duty and may not be paid for holidays not worked.

Agencies may exercise their discretionary authority to grant administrative leave to part-time employees whose offices are closed on a day when most full-time employees have an "in lieu of" holiday.

**Q6. Can an “in lieu of” holiday be established in a previous pay period?**

A6. Yes. An “in lieu of” holiday could be determined to be in another pay period. For example, consider an employee who works an alternative work schedule (AWS) with Monday-Friday workdays, except that the employee has the first Monday of the pay period designated as the employee’s regular day off (i.e., AWS day off). A holiday falls on the Monday AWS day off. The “in lieu of” holiday is the preceding workday. In this example, the preceding workday is Friday, which would be at the end of a pay period, and thus that Friday would be the employee’s designated “in lieu of” holiday.

While an agency may not change an AWS employee’s “in lieu of” holiday (see Q4 above), the employee may reschedule his or her AWS day off consistent with agency policy. For example, if the employee in the above example changes the AWS day off from Monday to Tuesday, Monday would be the employee’s holiday (no “in lieu of” holiday determination) and the employee’s AWS day off would be Tuesday. Both the holiday and AWS day off would occur in the same pay period.

**Q7. What if the “in lieu of” holiday was not immediately known prior to the employee completing his or required tour of duty for the pay period?**

A7. Most “in lieu of” holiday designations will be known in advance of the completion of the biweekly pay period. In the unlikely event that there is no opportunity for an employee to take time off on the designated “in lieu of” holiday, the normally applicable rules that apply to Federal holidays govern the treatment of the “in lieu of” holiday. As explained in Q6, an employee under an AWS may reschedule his or her AWS day off consistent with agency policy. Agency policy may allow for such rescheduling during the affected pay period, if such rescheduling is possible under the circumstances.

The following provides guidance on determining an employee’s “in lieu of” holiday for a 5-day work schedule or a 4-day work schedule.

**“In Lieu of” Holiday for 5-Day Workweek**

(Note: The holiday falls on a nonworkday. The “deemed Sunday” is the nonworkday designated as the “in lieu of” Sunday.)

For a **Monday through Friday** work schedule with Saturday and Sunday as nonworkdays, if the holiday falls on -

- Saturday, the “in lieu of” holiday is the preceding Friday
- Sunday, the “in lieu of” holiday is the following Monday

For a **Tuesday through Saturday** work schedule with Sunday and Monday as nonworkdays, if the holiday falls on -

- Sunday, the “in lieu of” holiday is the following Tuesday
- Monday, the “in lieu of” holiday is the preceding Saturday

For a **Wednesday through Sunday** work schedule with Monday and Tuesday as nonworkdays, if the holiday falls on -

- Monday, the “in lieu of” holiday is the preceding Sunday, OR, if Monday is the deemed Sunday, the “in lieu of” holiday is the following Wednesday
- Tuesday, the “in lieu of” holiday is the preceding Sunday, OR, if Tuesday is the deemed Sunday, the “in lieu of” holiday is the following Wednesday

For a **Thursday through Monday** work schedule with Tuesday and Wednesday as nonworkdays, if the holiday falls on -

- Tuesday, the “in lieu of” holiday is the preceding Monday, OR, if Tuesday is the deemed Sunday, the “in lieu of” holiday is the following Thursday
- Wednesday, the “in lieu of” holiday is the preceding Monday, OR, if Wednesday is the deemed Sunday, the “in lieu of” holiday is the following Thursday

For a **Friday through Tuesday** work schedule with Wednesday and Thursday as nonworkdays, if the holiday falls on -

- Wednesday, the “in lieu of” holiday is the preceding Tuesday, OR, if Wednesday is the deemed Sunday, the “in lieu of” holiday is the following Friday
- Thursday, the “in lieu of” holiday is the preceding Tuesday, OR, if Thursday is the deemed Sunday, the “in lieu of” holiday is the following Friday

For a **Saturday through Wednesday** work schedule with Thursday and Friday as nonworkdays, if the holiday falls on -

- Thursday, the “in lieu of” holiday is the preceding Wednesday, OR, if Thursday is the deemed Sunday, the “in lieu of” holiday is the following Saturday.
- Friday, the “in lieu of” holiday is the preceding Wednesday, OR, if Friday is the deemed Sunday, the “in lieu of” holiday is the following Saturday

For a **Sunday through Thursday** work schedule with Friday and Saturday as nonworkdays, if the holiday falls on -

- Friday, the “in lieu of” holiday is the preceding Thursday, OR, if Friday is the deemed Sunday, the “in lieu of” holiday is the following Sunday
- Saturday, the “in lieu of” holiday is the preceding Thursday, OR, if Saturday is the deemed Sunday, the “in lieu of” holiday is the following Sunday

#### **“In Lieu of” Holiday for 4-Day Workweek**

(Note: The holiday falls on a nonworkday. The following rules apply, for example, when the week contains an Alternative Work Schedule day off. The “deemed Sunday” is the nonworkday

designated as the “in lieu of” or deemed Sunday.)

For a **Monday through Thursday** work schedule with Friday, Saturday, and Sunday as nonworkdays, if the holiday falls on -

- Friday, the “in lieu of” holiday is the preceding Thursday
- Saturday, the “in lieu of” holiday is the preceding Thursday
- Sunday, the “in lieu of” holiday is the following Monday

For a **Tuesday through Friday** work schedule with Saturday, Sunday, and Monday as nonworkdays, if the holiday falls on -

- Saturday, the “in lieu of” holiday is the preceding Friday
- Sunday, the “in lieu of” holiday is the following Tuesday
- Monday, the “in lieu of” holiday is the preceding Friday

For a **Wednesday through Saturday** work schedule with Sunday, Monday, and Tuesday as nonworkdays, if the holiday falls on -

- Sunday, the “in lieu of” holiday is the following Wednesday
- Monday, the “in lieu of” holiday is the preceding Saturday
- Tuesday, the “in lieu of” holiday is the preceding Saturday

For a **Thursday through Sunday** work schedule with Monday, Tuesday, and Wednesday as nonworkdays, if the holiday falls on -

- Monday, the “in lieu of” holiday is the preceding Sunday, OR, if Monday is the deemed Sunday, the “in lieu of” holiday is the following Thursday
- Tuesday, the “in lieu of” holiday is the preceding Sunday, OR, if Tuesday is the deemed Sunday, the “in lieu of” holiday is the following Thursday
- Wednesday, the “in lieu of” holiday is the preceding Sunday, OR, if Wednesday is the deemed Sunday, the “in lieu of” holiday is the following Thursday

For a **Friday through Monday** work schedule with Tuesday, Wednesday, and Thursday as nonworkdays, if the holiday falls on -

- Tuesday, the “in lieu of” holiday is the preceding Monday, OR, if Tuesday is the deemed Sunday, the “in lieu of” holiday is the following Friday
- Wednesday, the “in lieu of” holiday is the preceding Monday, OR, if Wednesday is the deemed Sunday, the “in lieu of” holiday is the following Friday
- Thursday, the “in lieu of” holiday is the preceding Monday, OR, if Thursday is the deemed Sunday, the “in lieu of” holiday is the following Friday

For a **Saturday through Tuesday** work schedule with Wednesday, Thursday, and Friday as nonworkdays, if the holiday falls on -

- Wednesday, the “in lieu of” holiday is the preceding Tuesday, OR, if Wednesday is the deemed Sunday, the “in lieu of” holiday is the following Saturday
- Thursday, the “in lieu of” holiday is the preceding Tuesday, OR, if Thursday is the deemed Sunday, the “in lieu of” holiday is the following Saturday
- Friday, the “in lieu of” holiday is the preceding Tuesday, OR, if Friday is the deemed Sunday, the “in lieu of” holiday is the following Saturday

For a **Sunday through Wednesday** work schedule with Thursday, Friday, and Saturday as nonworkdays, if the holiday falls on -

- Thursday, the “in lieu of” holiday is the preceding Wednesday, OR, if Thursday is the deemed Sunday, the “in lieu of” holiday is the following Sunday
- Friday, the “in lieu of” holiday is the preceding Wednesday, OR, if Friday is the deemed Sunday, the “in lieu of” holiday is the following Sunday
- Saturday, the “in lieu of” holiday is the preceding Wednesday, OR, if Saturday is the deemed Sunday, the “in lieu of” holiday is the following Sunday

## References

- 5 U.S.C. 6103, 6104, and 6124
- E.O. 11582 of February 11, 1971
- 5 CFR 550.103 (definition of *holiday work*), 550.131-550.132
- 5 CFR 610.201-610.202, and 610.405-610.407
- Comptroller General opinions:
  - 25 Comp. Gen. 452 (1945); 32 Comp. Gen. 378 (1953);
  - 51 Comp. Gen. 586 (1972); B-192104, September 1, 1978; and 63 Comp. Gen. 306 (1984)
  - B-187520, February 22, 1977; B-186687, January 13, 1977; and 56 Comp. Gen. 393 (1977)

## Related Information

- [Fact Sheet: Federal Holidays -Work Schedules and Pay](#)
- [Fact Sheet: Federal Holidays](#)
- [Compensation Main Page](#)