



### Holidays for State Government

State holidays are defined in [La. R.S. 1:55\(B\)](#). **Legal holidays shall be observed by the departments of the state as follows:**

1.
  - a. Insofar as may be practicable in the administration of the government, no employee shall work on New Year's Day, Dr. Martin Luther King, Jr.'s Birthday which shall be observed on the third Monday of January of each year or in conjunction with the day of the federal observance, Mardi Gras Day, Good Friday, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day, Christmas Day, Inauguration Day once in every four years in the city of Baton Rouge, or General Election Day every two years.
  - b. In addition, in the city court of Sulphur, the second Monday in October, Christopher Columbus Day shall be a legal holiday.
2. Robert E. Lee Day, Washington's Birthday, National Memorial Day, Confederate Memorial Day, and Huey P. Long Day shall be observed only in such manner as the governor may proclaim, considering the pressure of the state's business; however, not more than two such legal holidays shall be proclaimed in any one year, one of which shall be National Memorial Day.
3. The governor, by executive proclamation, may authorize the observance of such other holidays and half-holidays as he may deem in keeping with efficient administration. Whenever, in accordance with this Paragraph, the governor declares the Friday after Thanksgiving Day in November a holiday, such holiday shall be designated as Acadian Day and shall be observed in commemoration of the arrival in Louisiana of the Acadian people from the French colony Acadie following the ceding of that colony to England in 1713 and in recognition of the fact that much of the early economic and political development of Louisiana is directly attributable to the industry of the Acadian people, through cultivation of land, utilization of Louisiana's natural resources, and the interest of the Acadian people in political self-determination and American democracy.
4. When one or more holidays or half-holidays fall on a full-time employee's regular day off, his holiday shall be the closest regularly scheduled workday preceding or following the legal holiday, as designated by the head of the agency. Employees whose regular work hours do not fall in the time period, or fall only partly within the time period, of the holiday shall receive a number of hours equivalent to the holiday through compensatory time or overtime. Part-time employees having a regular work schedule will receive benefits in a similar manner as full-time employees except that their benefits will be prorated to the number of hours normally worked.

5. When time off is declared in case of natural emergencies, only those persons actually scheduled to work during the time period of the declaration shall receive the time off. Those persons who are scheduled to work during those hours and, because of the requirements of their job, do in fact work shall be entitled to compensatory time for those hours.

Paragraphs 1(a) and (b) describe the statutory or legal holidays that do not require a proclamation by the Governor.

Paragraph 2 describes the list of holidays from which the Governor may proclaim no more than two (2) each year. It further states that if the Governor proclaims one or two of these days, one of the proclaimed holidays MUST be Memorial Day.

Paragraph 3 permits the Governor to proclaim other holidays when deemed to be in keeping with the efficient administration of State government. This provision is generally used for days such as the Friday following Thanksgiving (usually proclaimed as Acadian day), and it has also been used for other days, such as those occasions when a holiday falls on a Tuesday and the Governor deems it appropriate to grant Monday off also.

Paragraph 4 deals with “designated” holidays”. The concept of a “designated” holiday is also defined in [Civil Service Rule 1.13.01](#), and further discussion of “designated holidays” appears below.

Paragraph 5 provides requires that compensatory time be granted to those employees who are required to work on an official holiday. Note that there is no distinction made between exempt and non-exempt employees. Overtime compensation (in the form of cash or compensatory time) for work on holidays is covered in [Chapter 21](#) of the Civil Service rules.

### Holidays For Institutions Of Higher Learning

Institutions of higher learning are not obligated to follow the holiday schedule prescribed by the above or those proclaimed by the Governor. Instead, each institution is allowed by [La. R.S. 1:55\(F\)](#) to designate its own holiday schedule that will apply to its employees:

**Each institution of higher education in the state, through a representative appointed by it, shall designate a maximum of fourteen legal holidays per calendar year to be observed by all of its employees.**

### Proclaimed Holidays

Proclaimed holidays are ones that are granted at the discretion of the Governor under the authority of [La. R.S. 1:55\(B\)\(2\)](#) and [La. R.S. 1:55\(B\)\(3\)](#).

These include such days as Memorial Day and Acadian Day (the day after Thanksgiving). The Governor may also proclaim other days off in addition to regular holidays. This sometimes occurs when a regular major holiday such as Christmas, New Year's Day or Independence Day falls on a Tuesday and the Governor proclaims the preceding Monday as a holiday in addition to the statutory holiday; or the statutory holiday falls on a Thursday and the Governor proclaims Friday to be a holiday in addition to the statutory holiday.

Please note that proclaimed holidays are not the same as "designated" holidays. "Designated" holidays are described below, and they occur only when a regular statutory or proclaimed holiday falls on an employee's regular day off from work.

### Designated Holidays

A designated holiday is granted when an employee's regular day off falls on the same day as the actual statutory or proclaimed holiday. A designated holiday, whether it is designated by the Governor or designated by the agency head, does NOT apply to those employees whose regular workday falls on the actual holiday.

When a holiday falls on a weekend, the Governor will often issue a proclamation in order to "designate" an alternate date, since MOST state employees are off on weekends. This "designated" holiday will not apply to those employees whose regular work schedules include weekend days as regular work days. These employees get only one holiday, the same as all other employees. These employees will NOT get the actual statutory or proclaimed holiday PLUS the designated holiday; if the holiday falls on their regular workday, they are entitled to the actual holiday day only (not the alternate day designated).

When a holiday falls on a regular weekday that is a workday for most employees, the Governor generally does not issue anything, but each agency head who has employees whose days off fall during the week will designate alternate holidays.

#### **EXAMPLE 1: Holiday falls on Sunday**

In this example, the actual holiday is on a SUNDAY, which is a regular day off for most employees. The Governor issues a proclamation which designates MONDAY as the designated alternate holiday.

- **Situation 1A:** This employee works a Monday through Friday work schedule. The Sunday holiday is designated by the Governor to be observed on MONDAY for those employees for whom Sunday is a regular day off. Therefore, this employee's holiday is MONDAY:
  - a. If the employee is called in to work on Sunday, he/she is compensated according to normal overtime provisions. This is his/her normal day off, NOT the official state holiday for this employee. The official state holiday for this employee is MONDAY.
  - b. If this employee is called in to work on Monday, he/she is compensated with "holiday" overtime provisions.

- **Situation 1B:** This employee works weekends, so Sunday is a regular workday for the employee.
  - a. Since Sunday is a regular workday for this employee, the holiday for this employee is the actual day, SUNDAY, not the designated Monday.
  - b. If the employee is called to work on Sunday, he/she is compensated with “holiday” overtime provisions.
  - c. If the employee’s regular work schedule includes Monday as a regular work day, the employee is obligated to report to work Monday, or take annual or compensatory leave in order to be off.
  - d. These employees do not get an “additional” holiday. They do not get the actual holiday PLUS the designated alternate. They receive one holiday “day”; and since the actual holiday “day” falls on their regular day of work, then that is their holiday, not the designated day.

**EXAMPLE 2: Holiday falls on a weekday**

For purposes of our example, we will assume that this holiday falls on a Monday, which is a regular workday for MOST state employees. Usually, the Governor will not issue a proclamation about this holiday since most employees will be able to observe the holiday during their regular work schedule. Instead, each agency head will designate an alternate date for those agency employees whose work schedules include Monday as a regular day off. According to [La. R.S. 1:55\(B\)](#), this will be the closest workday preceding or following the holiday.

- **Situation 2A:** This employee works Tuesday through Saturday; his days off are Sunday and Monday. For this Monday holiday:
  - a. The appointing authority will designate Tuesday as the “designated” holiday for this employee; it is the closest workday to the actual holiday. Because the holiday for most employees was the actual day (Monday), then this “designated” Tuesday holiday will be a day when most other employees are reporting to work.
  - b. If this employee is called to work on Monday, remember that this is his regular day off and NOT his holiday; he is compensated according to normal overtime rules and regulations.
  - c. If the employee reports to work on Tuesday, remember that this is his “designated” holiday, and so he is compensated with “holiday” overtime.
  - d. If the employee does not come to work Tuesday, he/she does not take leave but has the day off as a holiday.
  - e. This employee does NOT get two holidays (the regular holiday plus the designated holiday). He only gets the “designated” day since the actual holiday falls on his regular day off.
- **Situation 2B:** This employee works Monday through Friday and has weekends off. For this Monday holiday:

- a. The employee is off on Monday because of the holiday.
- b. If the employee is called to work Monday, he/she is compensated in accordance with “holiday” overtime.
- c. If the employee wants to be off on Tuesday, he/she must take leave since this is not a holiday for the employee, but is a regular workday.

### Civil Service Rules and Designated Holidays

The concept of “designated holiday” is defined in [Rule 1.13.01](#).

Civil Service does not have a rule or policy that requires that an employee be given a specific day as his/her “designated” holiday, although [La. R.S. 1:55](#) states that the designated holiday shall be the nearest work day.

In some instances, the Governor may instruct appointing authorities to use one specific day as the “designated” holiday to provide consistency as to the day when agencies will be closed. As discussed above, the Governor will most often issue a proclamation to designate the alternate date when a holiday falls on a weekend day, which is a day that most state employees are off.

For those agencies that cannot close, the appointing authority will select “designated” holidays as necessary according to the employee’s individual work schedule.

In either case, it is important to remember that the appointing authority has the right to determine whether or not an employee must work on the actual holiday or the designated holiday. The day worked that is the employee’s holiday (whether it is the actual holiday or one designated for the employee) will be compensated in accordance with “holiday” overtime. Employees who refuse to work may be subject to disciplinary action.

### Number of Holiday Hours

Many employees do not work a standard 8-hour workday. When determining how many holiday “hours” to give to an employee, a good rule of thumb is to grant employees the same number of hours of “holiday” that you would charge him leave for if he were to be absent on that day during a non-holiday period.

If an employee works four 10-hour days and is off on Friday, Saturday and Sunday, then if a holiday falls on a FRIDAY (the employee’s regular day off), the agency will “designate” Thursday as the employee’s holiday. Since the employee would be required to use 10 hours of leave to be off on a non-holiday Thursday, then the employee gets 10 hours off as his holiday. If this employee reports to work all day, he gets overtime compensation in accordance with [Chapter 21](#) of the Civil Service rules. This employee’s “designated” holiday will be a regular workday for other employees in the agency whose work schedules include Friday as a regular work day. The holiday for those employees will be – Friday.

If an employee works four 9-hour days and then works 4 hours on Fridays (for a total of 40 hours in the week), and the holiday falls on Friday, the employee is off on Friday along with everyone else. This employee does NOT get extra holiday hours on another day. If the employee were to be absent on a non-holiday Friday, he would be required to use four hours of leave; therefore, this employee's holiday is the four-hour day.

To reduce controversy among employees, many agencies that allow their employees to work varied work schedules will often require all employees to revert to a five day, 8-hours a day work week for those weeks during which a holiday occurs. Doing this provides each full-time employee with the same number of holiday hours.

### Part-Time Employees

Part-time employees are eligible for holidays (and designated holidays) based on the number of hours scheduled. For example, if a part-time employee works five 4-hour days each week, then he will be on "holiday" for a 4-hour day. If a part-time employee works different hours each day, then his/her "holiday" will be the number of hours scheduled for the day on which the holiday (or designated holiday) falls.