



# ADMINISTRATIVE PROCEDURES

Procedure Number: 23-41

Effective Date: 10/07/2009

Revision Date: 10/16/2009

  
County Administrator

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SUBJECT: **HOLIDAY PAY**

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DEPARTMENT RESPONSIBLE: **Human Resources Department**

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## I. STATEMENT OF PURPOSE

This administrative procedure (AP) clarifies and memorializes the payment of holiday pay and the holiday benefit as stated in Pima County Personnel Policy 8-102.F. Arizona Revised Statutes designate the paid legal holidays as either actual or observed. If the actual date for a holiday falls on a weekend day, the State clearly mandates that the holiday becomes an observed holiday, and the observed holiday is designated as the paid legal holiday. Pima County policies clearly state that the holiday designated by the State (the legal holiday) is the day eligible for holiday benefit and holiday pay. The weekend day on which the actual holiday falls is not eligible for holiday pay. Work performed that day is paid at the regular rate of pay and may include any calculations for overtime worked if the employee actually worked more than forty (40) hours during the holiday week. There are only ten (10) legal holidays designated by the State, and therefore only ten days eligible for holiday benefit and holiday pay.

Personnel Policy 8-102.F creates confusion for some departments when a legal holiday falls on a weekend day, even when the State clearly states that the day to be observed is Friday or Monday, whichever applies. This administrative procedure ensures that all County departments consistently adhere to Personnel Policy 8-102.F.

## II. PROCEDURE

A. Arizona Revised Statutes §1-301, as amended, establishes paid holidays for Pima County and are recognized as follows:

- |      |                             |                             |
|------|-----------------------------|-----------------------------|
| (1)  | January 1                   | New Year's Day              |
| (2)  | Third Monday in January     | Martin Luther King, Jr. Day |
| (3)  | Third Monday in February    | Presidents' Day             |
| (4)  | Last Monday in May          | Memorial Day                |
| (5)  | July 4                      | Independence Day            |
| (6)  | First Monday in September   | Labor Day                   |
| (7)  | Second Monday in October    | Columbus Day                |
| (8)  | November 11                 | Veterans' Day               |
| (9)  | Fourth Thursday in November | Thanksgiving Day            |
| (10) | December 25                 | Christmas Day               |

- B. County public offices shall be closed on each of the ten (10) legal holidays listed above. If actual holidays 1, 5, 8, or 10 fall on a Sunday, the holiday shall be designated as observed for pay purposes on the following Monday. If actual holidays 1, 5, 8, or 10 fall on a Saturday, the holiday shall be designated as observed for pay purposes on the preceding Friday.
- C. If an employee eligible for the holiday benefit is required to work on a legal holiday, and the department is unable to give the employee holiday benefit time off, the employee shall receive the pay he or she would have received for the holiday benefit plus holiday pay at 1½ times his/her regular pay rate for time worked, minimum two (2) hours. Again, this only applies to the date designated by the State as the date for the legal holiday in a particular year.

Listed below are examples of proper payment for holiday observances. In these examples, July 4<sup>th</sup> falls on a Saturday. Saturday is designated by the State as observed on the preceding Friday, which is July 3<sup>rd</sup>. Note: HB= Holiday Benefit and HP=Holiday Pay.

Example 1: Employee works regular schedule with no holiday day off. RDO means regular day off.

	Sun	Mon	Tue	Wed	Thu	Fri	Sa
Hours Worked	RDO	RDO	8W	8W	8W	8W	8W
						8H July 3 (observed)	July 4
Actual Paid Hours			8	8	8	20*	8

Total paid hours = 52 hours

(\*8W plus 12 HP)

- D. If an employee eligible for the holiday benefit is required to work on a holiday, and the employee receives the holiday benefit time off, he or she shall receive holiday pay for holiday hours worked.

Example 2: Employee works on the State-designated holiday day (legal) and receives the holiday benefit time off.

	Sun	Mon	Tue	Wed	Thu	Fri	Sa
Hours Worked	RDO	RDO	8W	8W	8 holiday time off	8W	8W
					Time off	8H July 3 (observed)	July 4
Actual Paid Hours			8	8	8 Holiday Benefit (HB)	12*	8

Total paid hours = 44 hours (no overtime hours paid, 32 hours actually worked.)  
 Time off for holiday. (\*8W plus 4HP)

**Example 3:** Employee does not work on the State-designated holiday and also receives the holiday benefit off.

	Sun	Mon	Tue	Wed	Thu	Fri	Sa
Hours Worked	8W	8W	8W	8 holiday time off	RDO	RDO	8W
				Time off		8H July 3 (observed)	July 4
Actual Paid Hours	8	8	8	8 Holiday Benefit (HB)			8

Total paid hours = 40 hours (no overtime hours paid)

- E. **NOTE:** Departments may want to ensure that employees who have a regular day off on Fridays or Mondays are given flexible schedules in order to benefit from the holiday time off or pay. Otherwise, the benefit may not be allowable. See the example below when time is not flexed and/or time off for the holiday is not allowed.

**Example 4:** Effective on the original date of this procedure, a non-exempt employee who works a regular schedule with no holiday day off during the holiday week whose regular day off (RDO) is on the legal holiday shall receive 8 hours holiday benefit for the legal holiday. The holiday benefit is not included in the overtime calculation if it is a regular day off.

	Sun	Mon	Tue	Wed	Thu	Fri	Sa
Hours Worked	8W	8W	8W	8W	RDO	RDO	8W
						8H July 3 (observed)	July 4
Actual Paid Hours	8	8	8	8		8 HB	8

Total paid hours = 48 hours

- F. **Under no circumstances will an employee receive holiday pay at 1½ times his or her regular pay for more than ten (10) holidays per calendar year.** Therefore, if an employee works on both the actual date of a holiday for holidays 1, 5, 8, 10 (not the legal holiday for a particular year) and the observed day (legal holiday for a particular year) for holidays 1, 5, 8, or 10 above, he or she will receive holiday pay only for the legal holiday.
- G. Intermittent employees are not eligible for the holiday benefit, but may receive holiday pay. Eligibility for the holiday benefit is set forth in Personnel Policy 8-102.F.

**III. RESPONSIBILITIES**

- A. All departments are responsible for ensuring that their employees accurately receive pay for work performed on holidays. Any overpayment will result in the employee's paycheck being reduced pursuant to Administrative Procedure 22-24 and until all funds are repaid.
- B. Human Resources-Employment Rights is responsible for providing guidance and interpretation of Merit System Rules and Personnel Policies and this Administrative Procedure.