

SYSTEM REGULATION

31.04.01 System Holidays
April 24, 1996
Revised November 4, 1997
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Revised July 17, 2004
Supplements System Policy 31.04

1. GENERAL

The State of Texas authorizes certain legal, state and national holidays for state employees, but provides that educational institutions may adjust the actual observance of these holidays to permit the most efficient operation. The Board of Regents establishes the holiday schedule on recommendation of the Chancellor and the CEOs.

2. ELIGIBILITY

- 2.1 All regular employees (see System Regulation 31.01.01, section 2.1) are entitled to holiday pay.
- 2.2 A regular employee who is transferred temporarily to wages prior to termination to provide a training period for a replacement is entitled to holiday pay until the termination date. The termination date must be specified on the Form 500 effecting the transfer to wages.
- 2.3 A regular employee who works less than full-time will receive holiday pay and holiday compensatory time proportionate to his or her percentage of full-time effort as reflected in the budget.
- 2.4 If a holiday falls before the first workday of a month, a new employee who begins working for a System component on the first workday of the month will be paid for the holiday if it falls in the same month as the employee's first workday. An employee who leaves System employment on the last workday before a holiday will be paid for the holiday if it falls in the same month as the employee's last workday. Workday means a day on which an employee of the System component is normally scheduled to work.
- 2.5 When an employee transfers to a System component from a state agency without a break in service and a state or national holiday (as defined in Government Code Section 662.003 (a) and (b)) falls between the employee's last workday at the state agency and first workday at the System component, the receiving component must pay the employee for the holiday, even if the component does not observe the holiday.
- 2.6 Upon the death of an employee, the total accumulated leave hours for which the employee's estate will be paid include vacation; half of the employee's earned sick leave or 336 hours, whichever is less; FLSA compensatory time; and holiday pay.
 - 2.6.1 For calculation purposes, the total accumulated vacation hours and payable sick leave hours must be allocated over the workdays following the employee's death

until the hours are completely allocated. For each holiday that occurs before the complete allocation of the hours, eight hours, or the proportional number of hours for which the employee is eligible, must be added to the leave hours. The resulting number of hours must then be multiplied by the employee's hourly compensation rate at the time of death, not including any longevity or hazardous duty pay, to determine the amount of payment.

- 2.6.2 If a general salary increase takes effect before the total accumulated leave hours are completely allocated, the increase may not be considered in calculating the amount of the payment.

3. WORKDAYS BEFORE AND AFTER SCHEDULED HOLIDAYS

To receive holiday pay, an eligible employee generally must work or be in a paid leave status at least part of his or her last regularly scheduled workday immediately before the holiday and at least part of his or her first regularly scheduled workday after the holiday. However, special rules apply if the holiday is the first or last workday of the month:

- 3.1 If the holiday falls on the day that would have been the first workday of the month, an eligible employee must be in a paid status at least part of his or her first regularly scheduled workday after the holiday to receive holiday pay. For example, if January 1st is a holiday, an eligible employee will be paid for the holiday if he or she is in a paid status on the first workday after January 1st.
- 3.2 If a holiday falls on the day that would have been the last workday of the month, the employee must be in a paid status at least part of his or her last regularly scheduled workday before the holiday to receive holiday pay. For example, for the winter holiday period, which typically begins in December and lasts into January, an employee will be paid for the December portion of the holiday period if he or she is in a paid status on the last workday before the holiday period begins.

4. WORK ON A SCHEDULED HOLIDAY

- 4.1 Staff of some organizations must, as a condition of their employment, be willing to work on some or all holidays. The supervisor must approve in advance work on a scheduled holiday.
- 4.2 Each System component with a holiday schedule including Confederate Heroes Day, Texas Independence Day, San Jacinto Day, Emancipation Day in Texas or Lyndon Baines Johnson Day must have enough employees on duty to conduct public business on those holidays. An employee who works on those scheduled holidays will receive another day off as described in paragraph 4.3.
- 4.3 A person in a FLSA exempt or nonexempt position who works on a scheduled holiday will be entitled to equivalent time off with pay to be taken during the 12-month period following the end of the workweek in which the holiday occurred and on such day(s) as may be mutually agreed upon by the employee and his or her supervisor. However, if total hours actually worked in the workweek exceed 40 for a nonexempt employee, FLSA

overtime provisions apply. When allowing compensatory time off would be disruptive to normal teaching, research and other critical functions, an employee may be paid for compensatory time on a straight-time basis unless FLSA overtime provisions would require payment at time-and-a-half.

5. RELIGIOUS HOLY DAYS

- 5.1 An employee may use accrued vacation or compensatory time to observe Rosh Hashanah, Yom Kippur, Good Friday or any other holy day.
- 5.2 A member of the teaching faculty may not be discriminated against or penalized in any way if absent from work for the observance of a religious holy day if: (1) the faculty member has given proper notice, and (2) the institution permits general personal absence by members of the faculty. If personal absence is customarily charged to leave or leave without pay, the absence will be treated as leave or leave without pay.
 - 5.2.1 A "religious holy day" means a holy day observed by a religion whose places of worship are exempt from property taxation under Section 11.20, VTCA, Tax Code.
 - 5.2.2 Giving "proper notice" means providing a listing of religious holy days to be observed during the semester to the department head and providing notice of such days in advance to all students whose classes would be canceled due to the faculty member's absence. The notice to the department must be in writing and personally delivered to the department head with receipt of the notification acknowledged and dated.
- 5.3 A student must be excused from classes for the observance of a religious holy day (as defined in 5.2.1), including travel time, and may, within a reasonable time after such absence, take an examination or complete an assignment scheduled for that day. A student who is excused under this rule may not be penalized for the absence, but the instructor may appropriately respond if the student fails to satisfactorily complete the assignment or examination.

CONTACT FOR INTERPRETATION: The System Human Resources Office

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