



## UNITED STATES OFFICE OF PERSONNEL MANAGEMENT

Washington, DC 20415

The Director

CPM 2024-22  
December 19, 2024

### **Memorandum for Heads of Executive Departments and Agencies**

**From:** Robert H. Shriver, III  
Acting Director

**Subject: Closing of Federal Government Departments and Agencies on  
Tuesday, December 24, 2024**

The President has issued an Executive order excusing Federal employees from duty on Tuesday, December 24, 2024, except those who, in the judgment of the head of the agency, cannot be excused for reasons of national security, defense, or other public need. ([See Executive Order.](#)) For pay and leave purposes, this period will be treated as falling within the scope of statutes and Executive orders governing holidays for Federal employees.

Most employees who are excused from duty on December 24th will receive the basic pay they would have received if no Executive order had been issued. An employee who was previously scheduled to take annual leave on December 24th will not be charged annual leave (or any other form of paid leave, compensatory time off, or credit hours) for his or her scheduled workday. An employee who is required to work nonovertime hours on December 24th is entitled to holiday premium pay under 5 U.S.C. 5546(b). (This paragraph does not apply to employees who receive annual premium pay for standby duty under 5 U.S.C. 5545(c)(1) or to firefighters who are covered by the special pay provisions of 5 U.S.C. 5545b.)

For general pay and leave administration guidance please refer to the following fact sheets:

- [Federal Holidays – Work Schedules and Pay](#)
- [Federal Holidays – “In Lieu Of” Determinations](#)
- [Federal Holidays](#)
- [Flexible Work Schedules](#)

- [Compressed Work Schedules](#)
- [Compensation Main Page](#)

The President's Executive order excuses covered Federal employees from duty during a pay period (December 15–28, 2024) in which there is already one holiday—Christmas Day. Thus, there will be two holidays within the same pay period—that is, December 24 and December 25, 2024. For further information on the procedures for multiple holidays during a pay period, see the fact sheet “Federal Holidays – Work Schedules and Pay” referenced above.

To assist agencies, we are attaching questions and answers that are specifically targeted to the current situation and must be read with the general guidance cited above for a complete understanding of all the issues.

Employees of the U.S. Postal Service and contract employees should contact their supervisor (or contract officer) to obtain information on their pay and leave entitlements for December 24th.

### **Additional Information**

For additional information, agency headquarters-level human resources offices may contact OPM at [leavepolicy@opm.gov](mailto:leavepolicy@opm.gov). Component-level human resources offices must contact their agency headquarters for assistance. Employees must contact their agency human resources offices for further information on this memorandum.

cc: Chief Human Capital Officers (CHCOs), Deputy CHCOs, Human Resources Directors, and Work-Life Coordinators

Attachment – Questions and Answers

Attachment

## **Questions and Answers on Pay and Leave Administration for December 24 and 25, 2024**

### **Leave**

Q1. Are employees who are scheduled to take annual leave on Tuesday, December 24, charged leave for that day?

A1. As a general rule, no. However, employees who receive annual premium pay for standby duty under 5 U.S.C. 5545(c)(1) and firefighters who are covered by the special pay provisions of 5 U.S.C. 5545b are not entitled to holiday time off and may continue to be charged for any scheduled annual leave on December 24.

Q2. Will employees forfeit “use or lose” annual leave scheduled for Tuesday, December 24?

A2. Yes. If an employee has scheduled “use or lose” annual leave for Tuesday, December 24, and is unable to reschedule that leave for use before the end of the leave year (that is, for most employees, January 11, 2025), the leave will be forfeited. When “use or lose” leave is forfeited under these conditions, the law does not permit restoration of the leave. (See 5 U.S.C. 6304(d).) (We note that employees may donate their excess annual leave to an approved leave recipient under the Federal Government’s voluntary leave transfer programs or under the Emergency Leave Transfer Program for approved leave recipients. Employees interested in donating leave should speak with their servicing HR office.)

### **“In-Lieu-of” Holiday**

Q3. Which employees are entitled to an “in-lieu-of” holiday when a holiday falls on a nonworkday?

A3: All eligible 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. In such cases, the employee’s holiday generally is the basic workday immediately preceding the nonworkday. A basic workday for this purpose includes a day when part of the basic work requirement for an employee under a flexible work schedule is planned or scheduled to be performed. Limited exceptions apply, please see our [fact sheet](#) for further guidance.

Q4. Are part-time or intermittent employees entitled to an “in-lieu-of” holiday for either December 24 or 25?

A4. No, there is no authority to grant “in-lieu-of” holidays to part-time or intermittent employees on either day. Part-time employees are entitled to a holiday only if they have a regularly scheduled basic (that is, nonovertime) tour of duty on the actual holiday (that is, on Tuesday, December 24, or on Wednesday, December 25). 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.

Q5. What days are the “in-lieu-of” holidays for an employee whose basic work schedule does not include Tuesday, December 24 and/or Wednesday, December 25?

A5. 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.

“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.
- 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).)

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 Sunday. If a holiday falls on the designated deemed Sunday, the next workday after that nonworkday will be the "in lieu of" holiday.

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.

*Example 1 — Wednesday through Sunday Work Schedule*

Monday, December 23 and Tuesday, December 24 are scheduled nonworkdays.

Wednesday, December 25 is a scheduled workday. Under this work schedule, the "in-lieu-of" holiday determination must be made for the nonworkday of Tuesday, December 24 as follows:

If the holiday falls on Tuesday, the "in-lieu-of" holiday is the preceding Sunday, December 22, OR, if Tuesday is the deemed Sunday, the "in-lieu-of" holiday is the following Thursday, December 26.

There is no need for an "in-lieu-of" holiday for Wednesday, December 25, as it is a scheduled workday and provided for as a holiday.

*Example 2 — Friday through Tuesday Work Schedule*

Tuesday, December 24 is a scheduled workday. Wednesday, December 25 is a scheduled nonworkday. Under this work schedule, the "in-lieu-of" holiday determination must be made for the nonworkday of Wednesday, December 25 as follows:

If the holiday falls on Wednesday, the "in-lieu-of" holiday is the preceding Monday, December 23 (because Tuesday, December 24 is now a holiday), OR, if Wednesday is the deemed Sunday, the "in-lieu-of" holiday is the following Friday, December 27.

Since the employee has a regularly scheduled workday on Tuesday, December 24, Tuesday is converted from a workday to a holiday, and there is no need for an "in-lieu-of" holiday determination for that day.

*Example 3 – Thursday through Monday Work Schedule*

Both Tuesday, December 24 and Wednesday, December 25 are scheduled nonworkdays. Under this work schedule, the “in-lieu-of” holiday determination must be made for both nonworkdays of Tuesday, December 24 and Wednesday, December 25 as follows:

If the employee’s deemed Sunday is established as Wednesdays, the “in-lieu-of” holiday for Tuesday is the preceding Monday, December 23, and the “in-lieu-of” holiday for Wednesday is the following Thursday, December 26.

If the employee’s deemed Sunday is established on Tuesdays, the “in lieu of” holiday for Wednesday is the preceding Monday, December 23, and the “in-lieu-of” holiday for Tuesday is the following Thursday, December 26.

Q6. What is the “in-lieu-of” holiday for an employee on a Monday-Friday alternative work schedule (AWS) (that is, a flexible work schedule or compressed work schedule) whose regularly scheduled AWS day off is Tuesday or Wednesday?

A6. For full-time employees on an AWS whose regularly scheduled AWS day off is Tuesday, December 24, or Wednesday, December 25, the workday immediately preceding that day will be designated as the employee’s “in-lieu-of” holiday.

*Example 1 – Regularly scheduled nonworkday (AWS day off) is Tuesday*

If an employee on an AWS has his or her regularly scheduled AWS day off (a nonworkday) on Tuesday, December 24, and the preceding workday is Monday, December 23, the “in-lieu-of” holiday for Tuesday, December 24, is Monday, December 23. Tuesday, December 24 remains the employee’s regularly scheduled AWS day off.

*Example 2 – Regularly scheduled nonworkday (AWS day off) is Wednesday*

If an employee on an AWS has his or her regularly scheduled AWS day off (a nonworkday) on Wednesday, December 25, and the preceding workday is Monday, December 23 (because Tuesday, December 24, has become a nonworkday—that is, a holiday through Executive order), the “in-lieu-of” holiday for Wednesday, December 25, is Monday, December 23. Tuesday, December 24 is the employee’s holiday through Executive order. Wednesday, December 25 remains the employee’s regularly scheduled AWS day off.

Q7. Does the December 24 holiday in conjunction with the December 25 holiday present any special issues for employees with a flexible work schedule?

A7. For full-time employees on a “5/4-9” flexible work schedule (or other flexible work schedules under which employees work more than 8 hours a day), the fact that there are two holidays in the same pay period means that the employee must make arrangements to work extra hours during other regularly scheduled workdays or take annual leave, earned credit hours, compensatory time off for overtime, or compensatory time off for travel in order to fulfill the 80-hour biweekly work requirement. This is because each holiday for these employees is only provided as an 8-hour day (see 5 U.S.C. 6124). For example, if both the December 24 and December 25 holidays (or associated “in-lieu-of” holidays) fall on 9-hour workdays of an employee’s flexible work schedule, the employee would need to account for 2 hours.

Although there is no authority for an agency to revise the “in-lieu-of” holiday rules for an employee on a flexible work schedule, the employee may reschedule his or her AWS day off consistent with agency policy. Also, agency may allow an employee on a “5/4-9” flexible work schedule to change the employee’s one 8-hour day to correspond to a holiday.

### **Basic Pay Entitlement on a Holiday**

Q8. How many hours of basic pay are employees entitled to receive for a holiday (including an “in-lieu-of” holiday provided to full-time employees)?

A8. Full-Time Employees

Full-time employees under a standard work schedule (8 hours a day, 40 hours a week) are excused from 8 hours of nonovertime work, which are considered part of the 40-hour basic workweek.

Part-Time Employees

A part-time employee is entitled to a holiday when the holiday falls on a day when he or she would otherwise be required to work or take leave. This does not include overtime work. Part-time employees who are excused from work on a holiday receive their rate of basic pay for the hours they are regularly scheduled to work on that day. As provided in Q4 above, part-time employees are not entitled to an “in-lieu-of” holiday.

## Compressed Work Schedule

A full-time or part-time employee on a [compressed work schedule](#) who does not work because of a holiday receives his or her rate of basic pay for the number of hours he or she was scheduled to work on the holiday. For example, if a holiday falls on a 10-hour basic workday, the employee's holiday is 10 hours. (See 5 CFR 610.406.) [Note: A compressed work schedule is a biweekly basic work requirement (80 hours for a full-time employee) that is scheduled by an agency—not chosen by an employee—for less than 10 workdays. It is a fixed schedule in which an employee has fixed hours per day and fixed starting and stopping times with no flexibility. It can be implemented by an agency only through a collective bargaining agreement or, when there is no bargaining unit, by majority vote. See 5 U.S.C. 6127(b) and 6130.]

## Flexible Work Schedule

A full-time employee on a [flexible work schedule](#) is entitled to 8 hours of pay on a holiday when the employee does not work. (See 5 U.S.C. 6124.) A part-time employee under a flexible work schedule is generally excused from duty for the number of hours of his or her basic work requirement (that is, nonovertime hours) on that day, not to exceed 8 hours. (See 5 CFR 610.405.)

For more information on compressed work schedules and flexible work schedules under Alternative Work Schedules (AWS), please see our [AWS handbook](#).

## **Holiday Premium Pay**

Q9. What pay do employees receive for working during their regularly scheduled basic (that is, nonovertime) hours on a holiday?

A9. When an employee is entitled to a holiday (including an applicable “in-lieu-of” holiday) and performs work during his or her regularly scheduled basic (that is, nonovertime) tour of duty on the holiday, the employee generally receives holiday premium pay under 5 U.S.C. 5546(b) in addition to his or her regular pay. Employees assigned to work on a holiday during their regularly scheduled tour of duty are entitled to a minimum of 2 hours of holiday premium pay. Part-time employees do not receive holiday premium pay for work on an “in-lieu-of” holiday provided for full-time employees. (For more information see the OPM Fact Sheet titled “[Federal Holidays - Work Schedules and Pay](#).”)