



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT
Washington, DC 20415

The Director

Friday, December 12, 2008
CPM 2008-20

MEMORANDUM FOR: Heads Of Executive Departments And Agencies

FROM: Michael W. Hager Acting Director

Subject: Excusing Federal Employees From Duty on Friday, December 26, 2008

The President has issued an Executive order excusing executive branch non-Postal Service employees from duty on Friday, December 26, 2008 with pay and without a charge to leave, except those who, in the judgment of the head of the agency, cannot be excused for reasons of national security, defense, or other essential public need. (See Attachment 1) For pay and leave purposes, December 26, 2008, 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 26th will receive the basic pay they would have received if no Executive order had been issued. (This policy does not apply to employees who receive annual premium pay for standby duty (5 U.S.C. 5545(c)(1)) or firefighters who are covered by special pay provisions (5 U.S.C. 5545b).
- An employee who was previously scheduled to take annual leave on December 26th will not be charged annual leave (or any other form of paid leave, compensatory time off, or credit hours).
- An employee who is required to work nonovertime hours on December 26th is entitled to holiday premium pay (5 U.S.C. 5546(b))

If an employee has scheduled "use or lose" annual leave for December 26, 2008, and is unable to reschedule that leave for use before the end of the leave year (i.e., January 3, 2009), the leave will be forfeited. When "use or lose" leave is forfeited under these conditions, the law (5 U.S.C. 6304(d)) does not permit restoration of the leave.

Pay and Leave Administration Guidance

The President's Executive order excuses Federal employees from duty during a pay period in which two holidays (Christmas and New Year's Day) already occur. Agency supervisors and employees should carefully review work schedules and leave requests.

The U.S. Office of Personnel Management (OPM) has prepared an updated series of questions and answers to provide pay and leave administration guidance specific to December 25 and 26, 2008. (See Attachment 2) There are also three fact sheets on our website with information and guidance relating to holidays, work schedules, and pay.

- “Federal Holidays - Work Schedules and Pay” at www.opm.gov/oca/worksch/HTML/HOLIDAY.asp,
- “Compressed Work Schedules” at www.opm.gov/oca/worksch/HTML/AWSaws.asp, and
- “Flexible Work Schedules” at www.opm.gov/oca/worksch/HTML/awsfws.asp.

Additional Information

For additional information, agency Chief Human Capital Officers and/or Human Resources Directors should contact their assigned OPM Human Capital Officer. Employees should contact their agency human resources office for assistance. 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 26th.

Attachments

1. Executive Order
2. Questions and Answers

cc: Chief Human Capital Officers
Human Resources Directors