



## UNITED STATES OFFICE OF PERSONNEL MANAGEMENT

Washington, DC 20415

The Director

Saturday, December 20, 2008

CPM 2008-26

### **MEMORANDUM FOR: Heads Of Executive Departments And Agencies**

**FROM:** Michael W. Hager, Acting Director

**Subject:** Washington, DC, Area Special Pay and Leave Procedures for Holidays on January 19 and 20, 2009

Federal employees in the immediate Washington, DC, area will have two holidays in January 2009: Birthday of Martin Luther King, Jr. (Monday, January 19), and Inauguration Day (Tuesday, January 20). The two holidays fall within the same pay period, which begins on January 18 and ends on January 31, 2009. Special pay and leave procedures will be in effect.

#### **Pay and Leave Rules for Birthday of Martin Luther King, Jr.**

The Birthday of Martin Luther King, Jr., is a legal public holiday for pay and leave purposes for all Federal employees worldwide. The regular holiday pay and leave rules apply. Full-time and part-time employees who are regularly scheduled to work on January 19 are entitled to holiday pay equal to the pay they otherwise would receive for a regular workday. Thus, employees can be excused from duty with entitlement to holiday pay. Employees who cannot be given time off and must work on January 19 are entitled to holiday premium pay for hours worked within their regularly scheduled basic workweek. Employees who are not regularly scheduled to work on January 19 are entitled to a day off in lieu of the holiday.

Employees must be in a pay status or a paid time off status (i.e., leave, compensatory time off, or credit hours) on their scheduled workdays either before or after the Birthday of Martin Luther King, Jr., in order to be entitled to pay for that day if they do not work.

#### **Pay and Leave Rules for Inauguration Day in the “Inauguration Day Area”**

This year, Inauguration Day, January 20, falls on a Tuesday, and it is a legal public holiday for pay and leave purposes only for Federal employees who work in the “Inauguration Day area” (defined in law as the District of Columbia, Montgomery or Prince George’s Counties in Maryland, Arlington or Fairfax Counties in Virginia, or the cities of Alexandria or Falls Church in Virginia). (See 5 U.S.C. 6103(c) and OPM’s Website at [opm.gov/Operating\\_Status\\_Schedules/fedhol/2009.asp](http://opm.gov/Operating_Status_Schedules/fedhol/2009.asp).) The City of Fairfax is considered to be part of Fairfax County for this purpose. The legislative history states that the holiday was established to allow employees working in the Inauguration Day area to attend the nearby inaugural ceremonies and to avoid the traffic problems and work disruptions that would occur if employees were required to report for duty.

The Inauguration Day holiday is administered differently than other Federal holidays. First of all, it is limited to employees with a qualifying work connection to the designated geographic area on Inauguration Day, as follows:

- (1) Employees with an official worksite in the Inauguration Day area unless they are scheduled to be working outside the Inauguration Day area due to official duty away from the official worksite (e.g., a 1-day assignment), official travel, or telework; and
- (2) Employees with an official worksite outside the Inauguration Day area who are scheduled to be working in the Inauguration Day area due to a official duty away from the official worksite (e.g., 1-day assignment), official travel, or telework.

Full-time and part-time employees to whom the Inauguration Day holiday applies are entitled to pay equal to the pay they otherwise would receive for a regular nonovertime workday. Unlike other Federal holidays, employees who are not regularly scheduled to work on January 20 are not entitled to a day off in lieu of the holiday. Leave may not be charged an employee who is entitled to the Inauguration Day holiday. Employees who cannot be given time off and must work on January 20 are entitled to holiday premium pay for hours worked within their regularly scheduled basic workweek.

Similar to other holidays, employees must be in a pay status or a paid time off status (i.e., leave, compensatory time off, or credit hours) on their scheduled workdays either before or after Inauguration Day in order to be entitled to pay for that day if they do not work.

The Inauguration Day holiday does not apply to an employee who is on official duty away from the official worksite (e.g., a 1-day assignment outside of the Inauguration Day area) or travel status away from the Inauguration Day area, even if his or her official worksite is in the Inauguration Day area. For those employees, Inauguration Day is treated as a regular workday. On the other hand, the Inauguration Day holiday applies to an employee whose official worksite is outside the Inauguration Day area but who is in travel status or otherwise working in the Inauguration Day area on Inauguration Day.

The Inauguration Day holiday applies to an employee under a telework agreement if the employee is scheduled to telework on Inauguration Day at a location within the Inauguration Day area, regardless of the location of the employee's official worksite. The Inauguration Day holiday does not apply to an employee under a telework agreement who is scheduled to telework on Inauguration Day at a location outside the Inauguration Day area, even if the employee's official worksite is in that area. In effect, telework employees are treated the same as other employees who are on official duty or travel status outside of the Inauguration Day area on the Inauguration Day holiday. Subject to internal agency policies, an agency may approve an excused absence for telework employees whose official worksite is in the Inauguration Day area but who are scheduled to telework at a location outside that area, given the closure of the employee's office.

## Employees on Alternative Work Schedules

Since the Birthday of Martin Luther King, Jr., and Inauguration Day both fall within the same pay period, the holidays will affect employees who are on alternative work schedules in the Inauguration Day area, as follows:

- (1) **Flexible Work Schedules.** Full-time employees on flexible work schedules are entitled to 8 hours of pay when they do not work on a holiday. For a full-time employee on a 5/4-9 flexible schedule (or another flexible schedule under which he or she chooses to work more than 8 hours a day), the employee must make arrangements to work extra hours during other regularly scheduled workdays (or take annual leave or use credit hours or compensatory time off) in order to fulfill the 80-hour biweekly work requirement.
- (2) **Compressed Work Schedules.** Full-time employees on compressed work schedules (i.e., work schedules with fixed days and fixed starting and quitting times that are established in advance of the administrative workweek with no employee flexibility to change after the administrative workweek has begun) are generally excused from all the nonovertime hours they would otherwise work on a holiday as their “basic work requirement.” For example, if a holiday falls on a 9- or 10-hour basic workday, the employee's holiday is 9 or 10 hours, respectively.

### Additional Information

For additional information, see OPM's fact sheet at:

[www.opm.gov/oca/worksch/HTML/HOLIDAY.asp](http://www.opm.gov/oca/worksch/HTML/HOLIDAY.asp). Agency Chief Human Capital Officers and/or Human Resources Directors also may contact their assigned OPM Human Capital Officer for additional information. Employees should contact their agency human resources offices for assistance.

cc: Chief Human Capital Officers  
Human Resources Directors