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Holidays/Regular Days Off During a Shutdown

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How will an excepted employee know whether or not they should report to work on a holiday that occurs during a shutdown furlough?

The excepted employee should confirm their status for the holiday with their manager on their last workday before the holiday or their “in lieu of” holiday. If the employee's manager is in furlough status, they should ask the manager to whom they are reporting about their excepted or recalled work activities.

Will an excepted or recalled employee receive pay for the holiday if they are not required to work on a holiday that occurs during a shutdown furlough?

No. An excepted or recalled employee who does not perform work on a holiday must be in a furlough status for the holiday. During a lapse of appropriations or authorization, employees must be either performing excepted/recalled activities or be furloughed. This applies to any period of an affected employee’s regularly scheduled administrative workweek, including a holiday.

Can an excepted/recalled employee voluntarily report to work on the holiday?

No. Each Line of Business (LOB)/Staff Office (SO) must identify the excepted activities needed on a holiday and the employees needed to perform those functions. Employees who do not receive an assignment to perform excepted functions on the holiday, must be in furlough status for that day.

Can excepted/recalled employees be required to perform work on a holiday that occurs during a shutdown furlough?

Yes. Each LOB/SO is responsible for determining which excepted/recalled activities must be performed on a holiday (or “in lieu of holiday,” where applicable) and which excepted/recalled employees must work to carry out those functions. If an excepted/recalled employee refuses to report for work on a holiday after being scheduled or ordered to do so, they can be considered Absent Without Leave (AWOL) and may be subject to disciplinary action. Failure to report to duty on a holiday is no different than failure to report to work on any other day.

If I am an excepted/recalled employee who is required to work on a holiday, will I receive holiday premium pay?

Excepted/recalled employees who perform work on a holiday, receive pay according to the normal rules governing pay for work on a holiday, as defined in FAA policy or the applicable Collective Bargaining Agreement (CBA). Typically, an employee receives their rate of basic pay, plus holiday premium pay, at a rate equal to the employee's rate of basic pay for hours that fall within the assigned nonovertime shift hours for that day.

In addition, if an employee performs officially ordered or approved overtime work on a holiday (i.e., work in excess of their basic nonovertime work requirement for that day), the employee will receive overtime pay (or compensatory time off) for that work.

However, excepted/recalled employees will have their pay delayed until after the shutdown ends. Please note, holiday premium pay and overtime pay are not applicable to certain employees, such as FAA officers and FAA Executive System (FAAES) members.

How do the “in lieu of” holiday rules apply during a shutdown furlough?

The [HRPM LWS-8.9 Holiday Absences](#) or the applicable CBA govern the “in lieu of” holiday rules. During a shutdown furlough, generally:

1. The normal “in lieu of” holiday rules apply to funded employees, because these employees are exempt from the shutdown furlough.
2. When scheduling holidays for excepted/recalled employees, the normal “in lieu of” holiday rules apply. However, any otherwise excepted/recalled employee who is not working on the “in lieu of” holiday must be in furlough status for that day.
3. (a) When the holiday occurs during a shutdown furlough, furloughed employees do not receive pay for the holiday, nor do they receive an “in lieu of” holiday. For a shutdown due to a lapse in appropriation, furloughed employees will receive pay for the holiday when the furlough ends.
(b) For other types of shutdowns, furloughed employees would receive pay for the holiday only if the government enacts a law providing for back pay.

Note: The change of an employee's RDO solely to increase or decrease the employee's pay entitlement relative to a holiday is unauthorized.

If the shutdown only covers a portion of a pay period, how will the FAA determine the number of furlough hours for Alternative Work Schedule employees during a shutdown furlough?

Employees are furloughed based on the number of hours they are scheduled to work on the days for which there is a shutdown furlough. [HRPM LWS-8.15, Alternative Work Schedules](#), [HROI - Flexible Work Schedules](#) and the applicable CBA describe how flexible and compressed work schedules are established and changed.

Managers and employees generally establish work schedules in advance, or they know the employee's actual work hours before the pay period closes. If there is no schedule established for certain flexible work schedules, the “typical” schedule requested by the employee and approved by the manager will be posted. If there is no “typical” schedule requested or posted, then the manager may use one of these methods to discern individual patterns of arrival or departure:

1. **Constant Pattern of Arrival:** An employee's established pattern of arrival and departure each workday determines the work schedule.
2. **Predominant Pattern of Arrival:** An employee's predominant particular arrival time determines the work schedule.
3. **Variable Pattern of Arrival:** A mathematical average of the employee's arrival time for the previous pay period is used when there is a variable pattern of the employee's arrival time. The average arrival time is used as a reference for determining the work schedule.

Can an employee reschedule a Regular Day Off or nonworkday that occurs in a pay period affected by the furlough?

An employee or manager should normally not change an RDO. Operational needs should be the primary factor in determining whether RDO changes during the same pay period as a furlough would be appropriate. Managers must follow the applicable FAA policy and CBA procedure relative to advance notification and other rules before approving a change to an employee's RDO.

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Last updated: Wednesday, April 24, 2024

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