

# **U.S. Office of Personnel Management - Ensuring the Federal Government has an effective civilian**

## **ALTERNATIVE WORK SCHEDULES (AWS) FLEXIBLE WORK SCHEDULES (FWS)**

### **Description**

An agency may implement for its employees an alternative work schedule (AWS) instead of traditional fixed work schedules (e.g., 8 hours per day, 40 hours per week). Within rules established by the agency, AWS can enable employees to have work schedules that help the employee balance work and family or personal responsibilities.

There are two categories of AWS: flexible work schedules (FWS) and compressed work schedules (CWS).

FWS consist of workdays with (1) core hours and (2) flexible hours. Core hours are the designated period of the day when all employees must be at work. Flexible hours are the part of the workday when employees may (within limits or "bands") choose their time of arrival and departure. Within limits set by their agencies, FWS can enable employees to select and alter their work schedules to better fit personal needs and help balance work, personal, and family responsibilities.

### **Employee Coverage**

A Federal employee, as defined in section 2105(a) or (c) of title 5, United States Code, who is employed by an agency, as defined in 5 U.S.C. 6121(1), may be covered by a flexible work schedule. Flexible work schedules are voluntary work schedules that are approved by supervisors or managers.

### **Credit Hours**

Credit hours are any hours within an FWS that are in excess of an employee's basic work requirement (e.g., 40 hours a week) which the employee elects to work to vary the length of a workweek or a workday. Agencies may limit or restrict the earning and use of credit hours. OPM regulations prohibit Senior Executive Service (SES) members from accumulating credit hours under AWS programs (5 CFR 610.408). The law prohibits carrying over more than 24 credit hours from one pay period to the next (5 U.S.C. 6126).

### **Types of FWS**

There are various types of FWS arrangements that provide different degrees of flexibility. These include flexitour, gliding, variable day, variable week, and maxiflex schedules.

## **Overtime Hours**

Overtime work means all hours of work in excess of 8 hours in a day or 40 hours in a week which are officially ordered in advance.

## **Compensatory Time Off**

An employee who is not a member of the Senior Executive Service may request compensatory time off in lieu of payment for irregular or occasional overtime work or regularly scheduled overtime work. (See 5 U.S.C. 6123(a)(1).)

## **Night Pay**

In general, premium pay for night work is not paid to a General Schedule (GS) employee solely because the employee elects to work credit hours, or elects a time of arrival or departure, at a time when night pay is authorized.

However, agencies must pay night pay to GS employees for those hours that must be worked between 6 p.m. and 6 a.m. to complete an 8-hour tour of duty. Agencies must also pay night pay for all designated core hours worked between 6 p.m. and 6 a.m. and for any regularly scheduled overtime work between those hours.

Note: For prevailing rate (wage) employees, see 5 U.S.C. 6123(c)(2).

## **Holidays**

On holidays, a full-time Flexible Work Schedule (FWS) employee is limited to 8 hours of basic pay. A part-time FWS employee is entitled to basic pay for the number of hours scheduled for the holiday, not to exceed 8 hours. (See 5 U.S.C. 6124.) In the event the President issues an Executive order granting a "half-day" holiday, full-time FWS employees are entitled to basic pay for the last half of of their "basic work requirement" (i.e., nonovertime hours) on that day, not to exceed 4 hours.

## **Holiday Premium Pay**

Holiday premium pay (equal to 100 percent of the rate of basic pay) is limited to nonovertime hours worked, not to exceed a maximum of 8 nonovertime hours per holiday.

## **Sunday Premium Pay**

Sunday premium pay is paid for nonovertime work performed by full-time employees only. A full-time FWS employee earns Sunday premium pay for an entire nonovertime regularly scheduled tour of duty (not to exceed 8 hours) that begins or ends on Sunday. It may not be paid for periods of nonwork, including leave, holidays, and excused absence.

United States Office of Personnel Management  
**CREDIT HOURS UNDER A FLEXIBLE WORK SCHEDULE**

- Description
- Who May Earn Credit Hours?
- How Long Do Part-time Employees Have to Work to Earn Credit Hours?
- May an Agency Place Restrictions on Earning or Using Credit Hours?
- When May Credit Hours be Earned?
- May Employees be Permitted to Earn Credit Hours on Saturday or Sunday?
- Are Credit Hours Regularly Scheduled?
- What is the Maximum Number of Credit Hours that may be Carried Over to the Next Pay Period?
- May Employees Use Credit Hours before they are Earned?
- What Happens to Earned Credit Hours if an Employee Leaves Federal Employment or Transfers to Another Federal Department or Agency?
- May Credit Hours be Earned for Travel?
- May Credit Hours be Earned for Training?
- May Employees Earn Overtime Pay or Compensatory Time Off for Credit Hours?
- May GS Employees Earn Night Pay when Credit Hours are Earned or Used?
- May Employees Receive Sunday Premium Pay when they Earn or Use Credit Hours?
- May Employees Earn Hazardous Duty Pay when they Earn or Use Credit Hours?
- May Employees Earn Credit Hours During Excused Absence, Such as Hours when they are Excused from Work because of a Weather Emergency?
- May Employees Earn or Use Credit Hours on Holidays?
- References

### **Description**

Credit hours are hours that an employee elects to work, with supervisory approval, in excess of the employees basic work requirement **under a flexible work schedule**. (Information on flexible work schedules is available in OPMs Handbook on Alternative Work Schedules at <http://www.opm.gov/oca/aws/index.htm>.) The basic work requirement for full-time employees is 80 non-overtime hours in a 2-week pay period. Agency policies or union agreements may place restrictions on earning or using credit hours.

Employees are not paid basic pay or overtime pay for credit hours when they earn them. An employee may use credit hours during a subsequent day, week, or pay period, with supervisory approval, to allow the employee to be absent from an equal number of hours of the employees basic work requirement with no loss of basic pay. (See the definitions of *basic work requirement* and *credit hours* in 5 U.S.C. 6121(3) and (4), respectively.)

### **Who May Earn Credit Hours?**

Full-time or part-time employees under flexible work schedules may earn credit hours **if** agency policies for flexible work schedules or union agreements permit. Agencies may permit GS employees, wage employees, and DOD nonappropriated fund employees under flexible work schedules to earn credit hours. Members of the Senior Executive Service (SES) may not earn credit hours. See 5 U.S.C. 6121(2) and 5 CFR 610.408.

## **How Long Do Part-time Employees Have to Work to Earn Credit Hours?**

Agency policies or union agreements may permit part-time employees to earn credit hours if they elect to work in excess of their basic work requirement. Part-time employees under flexible work schedules may have a basic work requirement of between 32 and 64 hours during a biweekly pay period. See 5 U.S.C. 3401(2). Overtime pay standards do not have to be met before part-time employees may earn credit hours. Part-time employees may accumulate a maximum of the hours in their biweekly basic work requirement as credit hours for carryover to the next biweekly pay period. See 5 U.S.C. 6126(a).

## **May an Agency Place Restrictions on Earning or Using Credit Hours?**

Yes. An employees election to work a flexible work schedule and earn credit hours is subject to limitations prescribed by an agency to ensure that the duties and responsibilities of a position are fulfilled. Subject to any applicable negotiated agreement, the head of an agency may determine that any organization within the agency is being substantially disrupted in carrying out its functions or is incurring additional costs because of use of flexible work schedules. If such a finding is made, the agency head may restrict the use of credit hours, limit flexible time bands, or exclude any employee or group of employees from using flexible work schedules.

Even without such a finding, an agency may establish limitations on how credit hours are earned and the number of credit hours that may be earned. (See 5 U.S.C. 6122(b).)

## **When May Credit Hours be Earned?**

The definition of *credit hours* in law (5 U.S.C. 6121(4)) provides that credit hours may be earned only within an employees flexible work schedule. This means that an employee may earn credit hours only by working within the flexible time bands established by the agency or union agreement. Hours that will count toward the basic work requirement may not be considered credit hours. For example, if an employee would otherwise complete 9 hours of his or her 80hour basic work requirement on a workday, the ninth hour is not a credit hour. If the agencys flexible time bands are broad enough, the agency may permit the employee in this situation to work a 10th hour voluntarily and earn 1 credit hour.

## **May Employees be Permitted to Earn Credit Hours on Saturday or Sunday?**

Yes, agency policies or an applicable union agreement may permit employees to earn credit hours on Saturdays or Sundays. An agency that wishes to permit employees to earn credit hours on Saturday or Sunday must establish flexible time bands on Saturdays or Sundays.

## **Are Credit Hours Regularly Scheduled?**

No. Credit hours are worked voluntarily by employees in excess of their regularly scheduled 80hour biweekly basic work requirement, which may include flexible hours. (See 5 CFR 610.111(d).)

## **What is the Maximum Number of Credit Hours that may be Carried Over to the Next Pay Period?**

For a full-time employee, only 24 credit hours may be carried over to the next pay period. For a part-time employee, only of the hours in the employees biweekly basic work requirement may be carried over to the next pay period. An agency policy or union agreement may place stricter limitations on how many credit hours may

be accumulated or carried over.

Only 1 credit hour is earned for each hour of voluntary work in excess of the basic work requirement. (See 5 U.S.C. 6126(a).)

### **May Employees Use Credit Hours before they are Earned?**

No. There is no authority in law or regulation to advance credit hours. Time cannot be charged against credit hours until credit hours have been earned. For this reason, some agencies do not permit employees to use credit hours until the pay period following the one in which they are earned.

Even if an agency has such a policy, the agency may still permit supervisors to approve changes in the time when employees will work flexible hours (part of the basic work requirement) after the beginning of a week or a pay period. For example, an employee may be permitted or required to shift some flexible hours from the first week of a pay period to the second week of the pay period. As long as the employee completes his or her 80-hour basic work requirement during the pay period, this can be done without any charge to leave. (See OPM Handbook on Alternative Work Schedules, section 12d(2).)

### **What Happens to Earned Credit Hours if an Employee Leaves Federal Employment or Transfers to Another Federal Department or Agency?**

A full-time employee receives pay for a maximum of 24 unused credit hours at his or her current rate of basic pay when Federal employment ends, when the employee transfers to another *agency* (as defined in 5 U.S.C. 6121(1)), or when the employee otherwise is no longer subject to an agency's flexible work schedule program. A part-time employee who is no longer subject to an agency's flexible work schedule program receives basic pay for accumulated credit hours that are not in excess of the employee's biweekly basic work requirement. Agencies should have policies for determining whether employees continue to be subject to an agency's flexible work schedule program after other personnel actions or work schedule changes occur. (See 5 U.S.C. 6126.)

The premium pay limitations in 5 U.S.C. 5547 do not apply to payment for credit hours even though they apply to payments for unused compensatory time off.

### **May Credit Hours be Earned for Travel?**

Typically, credit hours may not be earned for travel since travel is always ordered by an agency. Travel hours are not hours that an employee elects to work with supervisory approval. Subject to agency policies or the provisions of negotiated agreements, agencies should consider placing employees on standard work schedules during extended periods of travel. (See OPM Handbook on Alternative Work Schedules, paragraph 12n(5).)

Under certain conditions, an agency may permit an employee to earn credit hours by performing productive and essential work while in a travel status. For example, while traveling, employees may use a laptop computer to write speeches and draft or edit reports and other correspondence. Since travel itself does not generally constitute hours of work, the work that is done must be approved and verified by a supervisor. All of the following conditions must be met to allow an employee to earn credit hours while in a travel status are:

- 1 The employee must be under a flexible work schedule;
- 2 The employee must perform work within designated hours when credit hours may be earned under the agency's flexible work schedule policy (see 5 U.S.C. 6122(a)(2));
- 3 The employee must elect to perform the work voluntarily;

- 4 The hours of work must be in excess of the basic work requirement for the employee;
- 5 Travel must be scheduled during the regularly scheduled working hours for the employee to the maximum extent practicable (see 5 U.S.C. 6101(b)(2) and 5 CFR 610.123); and
- 6 The agency must ensure that a policy permitting employees to earn credit hours for working during travel time is consistent with applicable legal and regulatory requirements, as well as with agency policies.

If work is required during travel time outside of the employees basic work requirement, overtime pay must be paid for work that is ordered in excess of 8 hours in a day or 40 hours in a week. (See 5 U.S.C. 6121(6).)

### **May Credit Hours be Earned for Training?**

No, credit hours cannot be earned if training or homework is required by an agency. If training is required, it does not constitute hours that an employee elects to work with supervisory approval. (See the definition of *credit hours* in 5 U.S.C. 6121(4).)

Agencies may place employees on a standard work schedule (8 hours a day, 5 days a week, Monday through Friday) during a period of training or on a work schedule that corresponds to the hours of training. Employees must be notified of changes in their basic work schedule in advance of the agency's administrative workweek.

### **May Employees Earn Overtime Pay or Compensatory Time Off for Credit Hours?**

No overtime pay or compensatory time off may be paid when employees earn credit hours or when credit hours are liquidated because Federal employment ends. (See 5 U.S.C. 6123(b) and 6126.)

### **May GS Employees Earn Night Pay when Credit Hours are Earned or Used?**

No night pay may be paid when credit hours are earned. That is because when employees earn credit hours, they are not performing regularly scheduled work. By contrast, night pay is authorized for work performed at night during an employee's regularly scheduled tour of duty. See 5 U.S.C. 5545(a).

No night pay may be paid for credit hours that are used at night to be absent from the employee's basic tour of duty. This is because under 5 U.S.C. 5545(a) and OPM regulations, employees must generally perform work at night to earn night pay. There is no provision of law or OPM regulations that permits night pay to be paid when credit hours are used to be absent from regularly scheduled nightwork.

For requirements on entitlement to night differential when credit hours are earned by wage (prevailing rate) employees and employees employed under title 38, United States Code, see 5 U.S.C. 6123(c)(2).

### **May Employees Receive Sunday Premium Pay when they Earn or Use Credit Hours?**

No. Credit hours may be earned only when employees work voluntarily, with supervisory approval, in excess of their regularly scheduled basic work requirement. Sunday premium pay is paid only when full-time employees are required to work during a Sunday tour of duty that is part of their regularly scheduled basic work requirement. Sunday premium pay is limited to 8 hours for each regularly scheduled basic tour of duty that begins or ends on Sunday. Thus, Sunday premium pay may not be paid when employees earn credit hours.

Also, employees may not receive Sunday premium pay if they are permitted to use credit hours in order to be absent from their regularly scheduled basic work requirement on a Sunday. Employees may not receive Sunday premium pay for any period of time when they do not actually perform work on Sunday. (See Section 624 of the Treasury and General Government Appropriations Act, 1999, which is a permanent restriction.)

### **May Employees Earn Hazardous Duty Pay when they Earn or Use Credit Hours?**

When a GS employee performs work during any part of a day for which hazardous duty pay is authorized, the employee is entitled to hazardous duty pay for all hours in a pay status on that day. (See 5 CFR 550.905). This means that if an employee is entitled to hazardous duty pay during any part of a day when credit hours are earned or used, the employee must be paid hazardous duty pay for the credit hours as well. Subject to the provisions of any applicable negotiated agreement, an agency may establish a policy that employees cannot earn and/or use credit hours on any day when the employee is entitled to hazardous duty pay.

### **May Employees Earn Credit Hours During Excused Absence, Such as Hours when they are Excused from Work because of a Weather Emergency?**

No. Excused absence means that employees are excused from their basic work requirement on that day. As explained in the answer to the first question above, credit hours are hours worked voluntarily by employees in excess of their basic work requirement, with supervisory approval.

If employees work during the hours of their basic work requirement despite having been excused from work, they are not entitled to any additional compensation or to credit hours. However, if permitted by agency policies or negotiated agreements, supervisors may approve requests from employees under flexible work schedules to earn credit hours for work in excess of their basic work requirement on a day when excused absence is granted.

### **May Employees Earn or Use Credit Hours on Holidays?**

Employees may not earn any additional compensation or credit hours for working voluntarily during holiday hours. If permitted by agency policies or negotiated agreements, supervisors may approve requests from employees under flexible work schedules to earn credit hours for work in excess of their basic work requirement on a holiday.

Full-time employees under flexible work schedules are excused only from 8 hours of their basic work requirement because of a holiday. (See 5 U.S.C. 6124.) Therefore, an agency may find it desirable to schedule only 8 hours of an employee's basic work requirement on a holiday. Flexible work schedules may be changed to accommodate this policy. If an employee is scheduled to complete 9 or 10 hours of his or her basic work requirement on a holiday, the agency may permit the employee to use previously accrued credit hours or annual leave in order to be absent with pay during the 9<sup>th</sup> and 10<sup>th</sup> hours. If employees under flexible work schedules are required by an agency to work during holiday hours (their basic work requirement if not for the holiday), they are entitled to holiday premium pay for a maximum of 8 hours.



## LUNCH OR OTHER MEAL PERIODS

### Description

A lunch or other meal period is an approved period of time in a nonpay and nonwork status that interrupts a basic workday or a period of overtime work for the purpose of permitting employees to eat or engage in permitted personal activities. (See also *Interruptions*, below.)

### Employee Coverage

An agency may establish policies for meal periods for employees covered by 5 U.S.C. 6101. (This includes most white-collar and blue-collar employees--i.e., employees covered by premium pay under 5 U.S.C. 5541(2) and prevailing rate employees covered by 5 U.S.C. 5343 or 5349.)

### Authorization

The law does not provide employees with an explicit entitlement to a meal period. Each agency has the authority to establish its own requirements for meal periods. An agency may require or permit unpaid meal periods during overtime hours, and the policy may be different from the one for the basic workweek. For example, an agency could permit employees to work 8 overtime hours on a Saturday or Sunday without any requirement for a meal period. In exceptional circumstances, an agency may permit employees to eat their meals while working.

### Duration

In most circumstances, an agency is prohibited from scheduling a break in working hours of more than 1 hour during a basic workday. (See 5 U.S.C. 6101(a)(3)(F).) This limitation applies to lunch and other meal periods. An agency may permit or require shorter meal periods.

A basic workday is usually 8 hours, but the basic work requirement may be longer for certain days under alternative work schedules (i.e., flexible or compressed work schedules) authorized by subchapter II of chapter 61 of title 5, United States Code. The normal 1-hour meal period limitation does not apply if an agency permits an employee who works under a flexible work schedule to elect to take a longer unpaid meal period.

### Combination with Rest Periods Prohibited

An agency may not extend a regularly scheduled lunch break by permitting an employee to take an authorized rest period (with pay) prior to or immediately following lunch, since a rest period is considered part of the employee's compensable basic workday. The lunch period may be extended only under the authority of 5 U.S.C. 6101(a)(3)(F). (See Comptroller General opinion B-190011, December 30, 1977.)



## **Interruptions**

Unpaid meal periods must provide *bona fide* breaks in the workday. If an employee is not excused from job duties, or if he or she is recalled to job duties, the employee is entitled to pay for compensable work, including work that is not *de minimis* in nature. Note that there is no authority under title 5, United States Code, or the FLSA to compensate employees for being placed on-call or being required to carry a pager or cell phone. OPM rules for crediting fractional hours of work for employees who are exempt from the FLSA are found in 5 CFR 550.112(a)(2). Parallel rules for FLSA nonexempt employees are found in 5 CFR 551.521(b)).

## **Restricted Areas**

An agency may restrict employees to a limited area (such as a secure Government building or military installation) while in an on-call status during a meal period without creating an entitlement to pay for the meal period. (See 47 Comp. Gen. 311 (1967) and 62 Comp. Gen. 447 (1983).) See the exceptions below for certain firefighters and law enforcement officers.

## **Firefighters and Law Enforcement Officers**

Meal periods during 24-hour shifts are compensable hours of work for firefighters paid under 5 CFR part 550, subpart M.

Meal periods are hours of work for FLSA nonexempt employees engaged in law enforcement activities who receive annual premium pay for administratively uncontrollable overtime (AUO) work under 5 U.S.C. 5545(c)(2). (See also 5 CFR 551.411(c).)

*Bona fide* meal periods are not actual hours of work for criminal investigators who receive law enforcement availability pay under 5 U.S.C. 5545a.

## **Part-Time Employees**

Agencies should establish policies stating whether meal periods will be required or permitted when part-time employees or employees who work under flexible work schedules have basic workdays that are less than 8 hours long.

## **Agency Flexibility**

When establishing or modifying policies for meal periods, an agency typically considers factors such as--

- provisions in any applicable negotiated agreement;
- the availability, convenience, and distance of eating establishments;
- whether employees must be present at work to fulfill agency work requirements (e.g., guards who cannot be excused);
- whether work must be performed on weekends, during overtime hours, or at night, etc.

# Federal Holidays - Work Schedules and Pay

## Designation of Holidays

### Holidays for Federal Employees

- New Year's Day (January 1).
- Birthday of Martin Luther King, Jr. (Third Monday in January).
- Washington's Birthday (Third Monday in February).
- Memorial Day (Last Monday in May).
- Independence Day (July 4).
- Labor Day (First Monday in September).
- Columbus Day (Second Monday in October).
- Veterans Day (November 11).
- Thanksgiving Day (Fourth Thursday in November).
- Christmas Day (December 25).

### Presidential Inauguration Day

Federal employees in the Washington, DC, area are entitled to a holiday on the day a President is inaugurated (January 20 following a Presidential election). Employees are entitled to this holiday if they are employed in —

- 1 the District of Columbia;
- 2 Montgomery and Prince Georges Counties in Maryland;
- 3 Arlington and Fairfax Counties in Virginia; and
- 4 the cities of Alexandria and Falls Church in Virginia.

When Inauguration Day is moved to January 21<sup>st</sup> because January 20<sup>th</sup> falls on Sunday, Federal employees in the Washington, DC, area who would otherwise work on Monday, January 21<sup>st</sup>, are entitled to a holiday on that day.

### "In Lieu of" Holidays

All 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 non-workday. In such cases, the employee's holiday is the basic workday immediately preceding the non-workday. 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.

There are three exceptions:

- 1 If the non-workday is Sunday (or an "in lieu of" Sunday), the next basic workday is the "in lieu of" holiday. (See section 3 of E.O. 11582, February 11, 1971.)
- 2 If Inauguration Day falls on a non-workday, there is no provision for an "in lieu of" holiday.
- 3 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 for full-time employees under compressed work schedules. (See 5 U.S.C. 6131(b).)

An employee is not entitled to another day off as an "in lieu of" holiday if a Federal office or facility is closed on a holiday because of a weather emergency or when employees are furloughed on a holiday.

### **Two Holidays in One Pay Period**

Occasionally, two holidays will fall within the same pay period. 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.) Therefore, when two 8-hour holidays fall within the same pay period, full-time employees on a 5/4-9 flexible schedule (or other flexible schedules under which employees work more than 8 hours a day) 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.

### **Holidays for Employees Outside the United States**

Holidays designated by law to occur on Monday (i.e., Birthday of Martin Luther King, Jr., Washington's Birthday, Memorial Day, Labor Day, and Columbus Day) are moved to Sundays for employees at duty posts outside the United States who are regularly scheduled to work on Monday. This applies to employees whose basic workweek is Sunday through Thursday. However, it does not apply to employees whose basic workweek is Monday through Friday or Monday through Saturday.

This rule does not apply to "in lieu of" holidays. (See 5 U.S.C. 6103(b)(3).)

### **Presidential Closing of Agencies**

Presidents occasionally issue Executive orders closing Federal departments and agencies for part or all of a workday. Employees are excused from duty during such periods unless they are "emergency employees," as determined by their agencies. Such Executive orders often provide that the time off will be treated like a holiday for pay and leave purposes. Employees who are required to work during their basic tour of duty on such days are entitled to holiday premium pay.

### **Tours On A Holiday**

A basic (non-overtime) tour of duty that includes some, but not all, hours on a holiday is considered a holiday tour. (See section 5 of E.O. 11582, February 11, 1971, and B-202626, September 4, 1984.)

When two basic (non-overtime) tours of duty include hours on a holiday, the holiday tour is the tour of duty that begins on the holiday. (See section 5 of E.O. 11582, February 11, 1971.)

### **Pay on a Holiday** **Full-time Employees**

Full-time employees who are not required to work on a holiday receive their rate of basic pay for the applicable number of holiday hours.

**Standard (40-Hour/5-Day Week) Work Schedules.** On a holiday, employees under a standard work schedule are generally excused from 8 hours of nonovertime work, which are considered part of the 40-hour basic workweek.

**Flexible Work Schedules.** On a holiday, employees under flexible work schedules are credited with 8 hours towards their 80-hour basic work requirement for the pay period. Employees under flexible work schedules are

credited with 8 holiday hours even if they would otherwise work more hours on that day. In the event the President issues an Executive order granting a "half-day" holiday, a full-time employee on a flexible work schedule is credited with half the number of hours he or she was scheduled to work, not to exceed 4 hours. (See 5 U.S.C. 6124 and the definition of "basic work requirement" in 5 U.S.C. 6121(3).)

**Compressed Work Schedules.** On a holiday, employees under compressed work schedules are generally excused from all of the nonovertime hours they would otherwise work on that day and which apply to 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. In the event the President issues an Executive order granting a "half-day" holiday, a full-time employee on a compressed work schedule is entitled to basic pay for half the number of hours he or she would otherwise work on that day. (See 5 CFR 610.406(a).)

### **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.

**Standard (40-Hour/5-Day Week) Work Schedules.** On a holiday, part-time employees under standard work schedules are generally excused from duty for the number of basic (nonovertime) hours they are regularly scheduled to work on that day, not to exceed 8 hours.

**Flexible Work Schedules.** On a holiday, part-time employees under a flexible work schedule are generally excused from duty for the number of hours of their "basic work requirement" (i.e., nonovertime hours) on that day, not to exceed 8 hours. (See 5 CFR 610.405.) In the event the President issues an Executive order granting a "half-day" holiday, a part-time employee on a flexible work schedule is generally excused from duty for half the number of hours in his or her "basic work requirement" on that day, not to exceed 4 hours.

**Compressed work schedules.** On a holiday, part-time employees under a compressed work schedule are generally excused from all of the hours of their compressed work schedules (i.e., "basic work requirement") on that day. (See 5 CFR 610.406(b).) In the event the President issues an Executive order granting a "half-day" holiday, a part-time employee on a compressed work schedule is generally excused from half of the hours of his or her compressed work schedule on that day.

If a holiday falls on a nonworkday, part-time employees are not entitled to an "in lieu of" holiday. If an agency's office or facility is closed due to an "in lieu of" holiday for full-time employees, the agency may grant paid excused absence to part-time employees who are otherwise scheduled to work on that day. (63 Comp. Gen. 306 (1984).)

### **Holiday Work**

"Holiday work" means nonovertime work performed by employees during their regularly scheduled daily tour of duty on a holiday. (See 5 CFR 550.103.)

### **Holiday Premium Pay**

For each hour of holiday work, employees receive holiday premium pay. Holiday premium pay is equal to an employee's rate of basic pay. Employees who are required to work on a holiday receive their rate of basic pay,

plus holiday premium pay, for each hour of holiday work. (See 5 U.S.C. 5546(b).)

Employees who are required to perform any work during basic (nonovertime) holiday hours are entitled to a minimum of 2 hours of holiday premium pay. (See 5 U.S.C. 5546(c).)

**Standard (40-Hour/5 Day Week) Work Schedules.** Employees are entitled to holiday premium pay if they are required to work on a holiday during their regularly scheduled nonovertime basic tours of duty, not to exceed 8 hours.

**Flexible Work Schedules.** Employees under flexible work schedules are entitled to holiday premium pay if they are required to work during the hours of their "basic work requirement" (i.e., nonovertime hours) on that day, not to exceed 8 hours. In the event the President issues an Executive order granting a "half-day" holiday, part-time employees on a flexible work schedule are entitled to holiday premium pay if they are required to work during the last half of their "basic work requirement" (i.e., nonovertime hours) on that day, not to exceed 4 hours.

**Compressed Work Schedules.** Employees under compressed work schedules are entitled to holiday premium pay if they are required to work during their "basic work requirement" on that day. The number of hours of holiday premium pay may not exceed the hours in an employee's compressed work schedule for that day (e.g., 8, 9, or 10 nonovertime hours). (See 5 CFR 610.407.) In the event the President issues an Executive order granting a "half-day" holiday, part-time employees on a compressed work schedule are entitled to holiday premium pay if they are required to work during the last half of their "basic work requirement" (i.e., nonovertime hours) on that day.

Part-time employees do not receive holiday premium pay for working on an "in lieu of" holiday for full-time employees.

## **Overtime on Holidays**

### **Overtime Work on a Holiday**

**Standard (40-Hour/5-Day Week) Work Schedules.** Overtime work on a holiday is work in excess of 8 hours in a day or 40 hours in a week. This also applies to part-time employees.

**Flexible Work Schedules.** Overtime work on a holiday for employees under flexible work schedules is work in excess of 8 hours in a day or 40 hours in a week that is officially ordered in advance. (See 5 U.S.C. 6121(6).)

**Compressed Work Schedules.** Overtime work on a holiday for an employee under a compressed work schedule is hours of work in excess of the employee's compressed work schedule (e.g., 8-, 9-, or 10-hour "basic work requirement") on that day. (See 5 U.S.C. 6121(7).)

Holiday hours, hours of paid leave, use of accrued compensatory time off or credit hours, and hours of excused absence with pay are credited as hours of work towards the overtime pay standards. For example, these hours are credited when determining whether an employee has worked in excess of 8 hours in a day or 40 hours in a week under a standard or flexible work schedule. (See 5 CFR 550.112(c) and 5 CFR 551.401(b).)

Employees are not excused from overtime work on a holiday because of the holiday.

### **Overtime Pay On a Holiday**

Employees are entitled to overtime pay, or compensatory time off, when applicable, if the agency requires overtime work on a holiday.

Overtime work must generally be ordered or approved. However, employees who are covered by the overtime pay provisions of the Fair Labor Standards Act of 1938, as amended (FLSA), also are entitled to overtime pay if overtime work is "suffered or permitted" by a supervisor. One exception is that no "suffered and permitted" hours of work can be credited to employees under flexible work schedules.

Overtime work does not include credit hours worked voluntarily (earned) under a flexible work schedule. (See 5 U.S.C. 6121(6).)

### **Work on Holidays**

#### **Night Work**

Employees are entitled to night pay for regularly scheduled work at night, including actual work performed at night during holiday hours or overtime hours. Night pay is paid in addition to holiday premium pay or overtime pay. (See 5 CFR 550.122(c).)

Employees also are entitled to night pay when they are excused from regularly scheduled night work during holiday hours. A General Schedule employee who is excused from night work during holiday hours receives his or her rate of basic pay plus night pay. (See 5 CFR 550.122(a).) Night shift differential is part of basic pay for Federal Wage System employees. (See 5 CFR 532.505(b).)

#### **Sunday Work**

An employee is entitled to holiday premium pay and Sunday premium pay if he or she is required to work during holiday hours on Sunday and Sunday work is part of the employee's regularly scheduled basic workweek (or basic work requirement). If an employee does not work during the holiday hours on Sunday, the employee receives basic pay for the holiday hours, but is not entitled to Sunday premium pay. This is because Sunday premium pay cannot be paid unless an employee actually performs work on Sunday. (See section 624 of the Treasury and General Government Appropriations Act, 1999; 5 U.S.C. 5546(a) and 6128(c); and 5 CFR 550.172.)