

Article 11 Reference Guide

Holiday

National APWU -Article Office

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TABLE OF CONTENTS

ARTICLE 11 HOLIDAYS.

SECTION 1.	HOLIDAYS OBSERVED	PAGE 2
SECTION 2.	ELIGIBILITY	PAGE 2
SECTION 3.	PAYMENT	PAGE 3
SECTION 4.	HOLIDAY WORK	PAGE 4
SECTION 5.	HOLIDAY ON NON-WORK DAY	PAGE 5
SECTION 6.	HOLIDAY SCHEDULE	PAGE 6
SECTION 7.	HOLIDAY PART TIME EMPLOYEE	PAGE 11

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ARTICLE 11

SECTION 1. HOLIDAYS OBSERVED:

1. What categories of employee observes the contractually prescribed holidays for Holiday pay purposes?

Response: Holidays are observed by full time and part time regular scheduled employees who are the only ones eligible to receive holiday leave pay.

Source: Article 11.1. and ELM 434.42.

SECTION 2. ELIGIBILITY:

2. What is the requirement to receive Holiday Leave Pay?

Response: To be eligible for Holiday Leave Pay the employee must be in a pay status the last hour of the employee's scheduled workday prior to or the first hour of the employee's scheduled workday after the holiday. (see question 15 for PT Regular scheduled less than 5 days)

Source: Article 11.2. and ELM 434.432.

3. Can an employee use Annual or Sick Leave each pay period during periods of extended absences, for those protection which they may be eligible under Article 6 of the National Agreement and/or to be eligible for Holiday Leave Pay?

Response: An employee who is on extended absence and wishes to continue eligibility for health and life insurance benefits , and those protections for which an employee may be eligible under Article 6 of the National Agreement may do so in conjunction with leave without pay prior to exhausting his/her leave balance.

It is inappropriate for employees in an extended LWOP status to manipulate the utilization of paid leave for the purpose of obtaining paid holidays. However, management should not deny paid leave requests from employees in an extended LWOP status solely because it provides an entitlement to a paid holiday.

The employer is not obligated to approve such leave for the last hour of the employee's scheduled workday prior to and/or the first hour of the employee's scheduled workday after a holiday.

Source: Step 4 (H7C-NA-C 9), May 4, 1988, and (H7C-NA-C 83), Oct. 29, 1993.

4. Is an employee using donated leave entitled to Holiday Leave?

Response: No. For purposes other than pay and legally required payroll deductions, employees using "donated leave" will be subject to regulations applicable to employees in LWOP status.

Source: Memorandum of Understanding, 1990-1994 National Agreement.

SECTION 3. PAYMENT:

5. How many hours of holiday leave pay is an eligible employee entitled to receive?

Response: An eligible employee receives Holiday Leave Pay for the number of hours equal to the employee's regular daily working schedule, not to exceed eight hours.

Source: Article 11.3.A. and ELM 434.412

6. Can an employee combine Annual or Sick Leave with Holiday Leave pay in order to receive additional compensation for the holiday?

Response: No. Holiday Leave pay is in lieu of other paid leave to which an employee might otherwise be entitled on holiday.

Source: Article 11.3.B. and ELM 434.412.

7. Since an eligible employee, on extended absence, using "donated leave" is not entitled to Holiday Leave pay, can the employee use "donated leave" on what would have been their holiday or designated holiday?

Response: Provided the employee has enough hours in their donated leave account to cover the day, he/she can use donated leave to be paid for the day.

Source: Memorandum of Understanding, 1990-1994 National Agreement.

SECTION 4. HOLIDAY WORK:

8. What is holiday worked pay?

Response: Holiday worked pay is paid to eligible employees for hours worked on a recognized holiday or designated holiday, except Christmas.

Source: ELM 434.511

9. Who is eligible to receive holiday worked pay?

Response: Full time and part time regulars. (see Article 11 Sec. 7 for PTF's on Dec. 25th)

Source: ELM 434.52

10. What is Christmas worked pay?

Response: Christmas worked pay is paid to eligible employees for hours worked on Christmas day or the day designated as the employee's Christmas holiday.

Source: ELM 434.512

11. Are eligible employees who work any part of December 25 entitled to Christmas worked pay?

Response: Christmas worked pay is paid only when the eligible employee is required to work their Christmas holiday, actual or designated. It is not paid for work performed on December 25, unless it is the employee's holiday.

Source: Article 11.4.B. and ELM 434.512.

12. If an employee works on a holiday, what compensation does he/she receive?

Response: An eligible employee required to work on a holiday, other than Christmas, shall be paid the base hourly straight time rate for each hour worked up to eight hours. This is in addition to the holiday pay the employee is entitled to receive.

Source: Article 11.4.A. and ELM 434.531.

13. What compensation does an employee receive if he/she is required to work the Christmas holiday?

Response: An eligible employee required to work on his/her Christmas holiday will be paid one and one half times the base hourly straight time rate for each hour worked. This is in addition to the holiday pay the employee is entitled to receive.

Source: Article 11.4.B. and ELM 434.

SECTION 5. HOLIDAY ON NON-WORK DAY:

14. When do full time regular employees observe their holiday, if the actual holiday falls on one of their non scheduled days?

Response: When a holiday falls on an employee's non scheduled day, the first scheduled work day preceding the holiday is designated as their holiday. *An exception is if the holiday falls on Sunday and it is also the employee's non scheduled day. In this situation Monday is designated as their holiday, unless Monday is also a non scheduled day. Then Saturday would be the designated holiday.*

Source: Article 11.5.A., ELM 434.414 and 434.415.

15. If a part time regular is normally scheduled for 5 days or more per week and the actual holiday falls on one of their non scheduled days, when do they observe their holiday?

Response: If the part time regular employees are regularly scheduled to work a minimum of five days per service week he/she observes their holiday as outlined in the response to question 14 above. *However, if they are regularly scheduled to work less than five days in a service week and the holiday falls on their non-scheduled workday, they do not observe the holiday for pay purposes.*

Source: ELM 434.422.

SECTION 6. HOLIDAY SCHEDULE:

16. How are employees scheduled to work a holiday?

Response: Employees are scheduled to work a holiday in accordance with the pecking order in the Local Memorandum of Understanding.

Source: Article 30, Item 13 of the National Agreement.

17. When are Transitional Employees (TE's) scheduled to work on a holiday or designated holiday in offices having a LMU pecking order that would schedule full-time volunteers on a nonscheduled day?

Response: TE's are scheduled after full-time holiday and nonscheduled day volunteers, to the extent possible.

Source: Article 11.6 and Wm. J. Downes Memo dated 12/10/93.

18. In offices that do not have a Local Memorandum of Understanding (LMOU) or the LMOU is silent, what is the "pecking order" of scheduling employees for holiday work?

Response: Unless otherwise provided by the local agreement, the following order should be used for holiday scheduling:

- All casuals and part time flexible employees to the extent possible, even if payment of overtime is required.
- All full time and part time regular employees who possess the necessary skills and have volunteered to work on the holiday or their designated holiday.
- Transitional Employees (TEs), to the extent possible, will be scheduled for work on a holiday or designated holiday after full time volunteers are scheduled to work on their holiday or designated holiday.
- Full time and part time regular volunteer employees whose scheduled non-work day falls on the holiday and possess the necessary skills, even though the payment of overtime is required, by seniority.
- Full time and part time regular non volunteer employees whose scheduled non-work day falls on the holiday and possess the necessary skills, even though the payment of overtime is required, by juniority.
- Full time and part time regular employees who have not volunteered to work their holiday, by juniority.

Source: Policy letter Darrell Brown to RPMG's, August 19, 1973. Article 11.6.D. & E.

19. When is the Holiday Scheduling pecking order utilized?

Response: The pecking order for holiday scheduling is utilized for the actual holiday and any days observed as the designated holiday, which normally encompasses a three day period.

Source: Article 11, Section 6.B.

20. When must the holiday schedule be posted?

Response: Management must post the holiday schedule no later than the Tuesday preceding the service week in which the holiday falls.

Source: Article 11.6.A.

21. Does the holiday schedule have to be posted by a specific time of day?

Response: No. There is no contractual language that suggest that the holiday schedule must be posted by a certain time during the day, or before the end of every tour. The contractual requirement is for posting as of the Tuesday preceding the service week in which the holiday falls.

Source: Step 4 (H8C-5L-C 15047), April 9, 1981.

22. Is the Overtime Desired List (ODL) used for scheduling a holiday?

Response: No. The Overtime Desired List is not used for holiday scheduling. However, if additional employees are needed after the schedule has been posted, OTDL provisions of Article 8.5 will apply.

Source: Step 4 (N8-C-0191), January 10, 1980; National Arbitration award (H8N-5D-C 14577), April 15, 1983, Mittenthal.

23. May management ignore the "pecking order" in holiday scheduling in order to avoid penalty overtime pay under Article 8?

Response: No.

Source: National Arbitration Award (H4N-NA-C 21); January 19, 1987, Arbitrator Mittenthal.

24. When management requires the wrong full time or part time regular employee to work a holiday or designated holiday, what is the remedy for the employee who worked?

Response: An additional 50%, known as a holiday scheduling premium, at the straight time rate for all hours worked.

Source: Memorandum of Understanding, October 19, 1988.

25. What is the remedy for the employee who did not work the holiday but should have been permitted to do so?

Response: The amount he/she would have earned if worked on the day in question.

Source: National Arbitration (NC-C-6085), August 16, 1978, Fasser. Memorandum of Understanding, October 19, 1988.

26. Can management assign individuals to work on a holiday or designated holiday because they are better qualified than another employee?

Response: No. Management must follow the pecking order as set forth in LMOU's and the National Agreement.

Source: Step 4 (NB-S 1739), July 16, 1974.

27. What is the appropriate remedy when management fails to meet the contractual obligation to post the holiday schedule?

Response: When management fails to meet contractual obligations relating to holiday scheduling, a 50% penalty, known as holiday scheduling premium, is paid for time actually worked on the employee's holiday or designated holiday, except on Christmas.

Source: ELM 434.533 and March 4, 1974 MOU.

28. If a full time regular employee who is properly scheduled on his/her holiday or designated holiday, and is unable or fails to work on the holiday, may the Postal Service replace that employee and not be liable for holiday scheduling premium?

Response: Yes. The employer may require another full time regular employee to work such a schedule and that replacement shall only be paid in accordance with ELM 434.531; or 434.532 if time in question is for Christmas holiday or designated holiday. Selection of the replacement employee will be in accordance with the applicable pecking order.

Source: ELM 434.533 c; Step 4 (NC-C 9687), July 15, 1974.

29. Are volunteers for holiday period work considered to have volunteered for up to twelve hours on whatever day(s) they are scheduled to work, pursuant to the holiday scheduling?

Response: No. Employees are not considered to have volunteered for up to 12 hours of work.

Source: National Arbitration Award (H4C-NA-C 21), January 19, 1987, Arbitrator Mittenthal.

30. Can light/limited duty employees be scheduled for holiday work?

Response: Yes. Light/limited duty employees can be scheduled for holiday work, provided the work to be performed is within his/her medical restrictions.

Source: Step 4 (H1C-4F-C 2041 & H1C-4F-C 2045). Step 4 Agreement H4C-4F-C 10235.

31. Does an employee who is scheduled to work his/her holiday or designated holiday and fails to do so, receive holiday leave pay?

Response: An employee who is scheduled to work his/her holiday or designated holiday and fails to do so, will not receive holiday leave pay. If the absences was based on an extreme emergency and is excused by the employer, then the employee will be compensated with the holiday leave pay.

Source: Article 11.6.C.

32. Does scheduling an employee for a holiday constitute a guarantee to be paid holiday work pay, if he/she is subsequently removed from the holiday schedule prior to the actual holiday or designated holiday?

Response: The fact of scheduling an employee to work on his/her holiday or designated holiday does not guarantee that employee holiday work pay. If for operational reason(s) the employee, is removed from the holiday schedule prior to the actually holiday or designated holiday, he/she is *not guaranteed holiday work pay*. However, management is to avoid "playing it safe" by overscheduling then later releasing those employees not needed.

Source: National Arbitration (H8C-5D-C 15429), October 25, 1982, Arbitrator Gamser. National Memorandum for All Postmasters dated April 17, 1974.

33. When scheduling a full time regular employee to work his/her holiday or designated holiday, is the employee entitled to work the hours of their normal bid assignment?

Response: No. A full time regular employee can be scheduled to work the hours when his/her skills will be required. Those hours do not necessarily have to coincide with the hours of duty associated with their bid assignment. *However, if management works the employee outside of the holiday hours scheduled, the employee is entitled to be compensated at the rate of one and one half (1 1/2) times his/her basic hourly straight time rate for hour(s) worked outside the posted schedule.*

Source: Article 11.6.; Memorandum of Understanding, March 4, 1974.

34. What guarantees does a full time regular employee have if he/she does work on his/her holiday or designated holiday?

Response: Full time employees who *work on their holiday or designated holiday* are guaranteed eight hours work or pay.

Source: Memorandum of Understanding, March 4, 1974.

SECTION 7. HOLIDAY PART TIME EMPLOYEE:

35. Do part time flexible (PTF) employees receive holiday pay?

Response: No. Part time flexible employees do not receive holiday pay as such. PTF employees are compensated for holidays by basing the employee's regular straight time hourly rate on the employee's annual rate divided by 2,000 hours. However, compensation for work performed by PTF employees on December 25 is determined differently.

Source: Article 11. 7.

36. What compensation do PTF employees receive for work performed on December 25?

Response: In addition to the employee's regular straight time hourly rate, one-half times the employee's regular straight time hourly rate for each hour worked up to eight hours is paid to PTFs for work performed on December 25.

Source: ELM 434.522.