

CITY OF KENT  
PERSONNEL POLICY

NUMBER: 3.01

EFFECTIVE DATE: February 15, 2017

SUBJECT: HOLIDAYS

SUPERSEDES: February 1, 2003

APPROVED:

  
Suzette Cooke, Mayor

POLICY:

It is the policy of the City to recognize certain dates each calendar year that the state has identified as legal holidays in RCW 1.16.050. In observance of those holidays, eligible employees will be granted time off with pay in accordance with this policy. This policy also incorporates Resolution No. 1891, adopted by the Kent City Council on June 3, 2014, which allows for two additional holidays as provided for in this policy.

3.01.1 ELIGIBILITY REQUIREMENTS:

A. Employee Eligibility Status:

1. All Full Time Employees - Employees in this classification will receive eight (8) hours of regular pay to cover an absence attributable to an observed legal holiday.
2. All Regular Part-Time Employees - Employees in this classification will receive the appropriate prorated number of holiday hours (out of 8 hours per holiday) consistent with the percentage of full time hours compensated to cover an absence attributable to an observed legal holiday.
3. All Job Share Employees – Employees in this classification will receive the appropriate prorated holidays as specified in the job share agreement between the job share partners to cover an absence attributable to an observed legal holiday.
4. Temporary Employees - Employees in this classification will not receive holiday compensation except when they work full time the day prior to the holiday and accept or promote into a benefited position on the day following the holiday.

B. Conditions of Eligibility:

1. To receive holiday pay for any of the "Observed Holidays" as defined in Section 3.01.2, an employee must be paid on the City's payroll for the entire workday preceding and the entire workday following an observed holiday. If any portion of either day is noted as "leave without pay", an employee is not eligible for holiday pay unless otherwise provided for in this policy.
2. New hires whose starting day falls on an observed holiday will not be eligible to receive holiday pay for that day. If, on the rare occasion that a new, non-exempt employee is hired and required to work on an observed holiday, the employee will be paid one and one-half (1 ½) times his/her regular base rate of pay for all actual hours worked on the holiday. If a new, exempt employee is hired and required to work on an observed holiday, the employee will receive regular pay for the holiday worked.
3. If a non-exempt employee is on a flex schedule that requires the employee to account for more than eight (8) hours of leave on the day of the observed holiday, the employee must account for those hours above eight (8) through the use of other paid leave, except in the following limited circumstances where leave without pay may be authorized by the employee's supervisor and Human Resources:
  - a. New hires who have yet to earn paid leave; and
  - b. Employees who have returned from an authorized leave of absence, which has caused them to exhaust all paid leave.
4. Employees who transfer from an ineligible (temporary position) to an eligible (regular position) status on an observed holiday will be eligible to receive holiday pay for that day, if they meet the requirement of paragraph 1 of this Section.
5. An employee is eligible for holiday pay if his/her absence from work on the workday preceding or the workday following a holiday is due to:
  - a. Authorized sick leave with pay;
  - b. Authorized annual leave with pay;
  - c. Military leave with pay;
  - d. Any other authorized time off with pay; or
  - e. Separation from employment.

- 6. Holidays which occur during the time an employee is on annual leave will be considered "holiday time off." The employee will receive holiday pay in lieu of an annual leave deduction.

3.01.2 CITY HOLIDAYS OBSERVED:

- A. The following holidays are recognized as "Legal Holidays" for employees of the City of Kent. The first ten holidays listed will be observed on the following dates as provided for by RCW 1.16.050. The remaining holidays may be observed by each employee, at the employee's discretion, with supervisor approval and in accordance with this policy:

<u>Holiday</u>	<u>Day Observed</u>
1. New Year's Day	1st day of January
2. Martin Luther King Day	3rd Monday of January
3. President's Day	3rd Monday of February
4. Memorial Day	Last Monday of May
5. Independence Day	4th day of July
6. Labor Day	1st Monday of September
7. Veteran's Day	11th day of November
8. Thanksgiving Day	4th Thursday of November
9. Native American Heritage Day	Day after Thanksgiving
10. Christmas Day	25th day of December
11. Two (2) Personal Holidays	(See Section B)
12. Two (2) Unpaid Holidays	(See Section C)
13. Proclaimed Holiday	(See Section D)

B. Personal Holidays

- 1. Definition: A "personal holiday", also known as a "floating holiday", is a personal paid day off. The date of observation is to be selected by the employee, subject to the approval of the employee's supervisor, within each calendar year.
- 2. Eligibility criteria for receiving the personal holidays are as follows:
  - a. Employees must meet the employee eligibility status as defined in Section 3.01.1.A.
  - b. New employees must be continuously employed by the City for more than four (4) months prior to qualifying for the personal holidays.

- c. Once eligible, the employee shall be credited with two personal holidays based on the employee's budgeted percentage of full time at the time the holiday hours are credited. Once an employee's holiday hours are credited, they shall not be adjusted if the employee's percentage of full time status changes during the calendar year.
3. Criteria for use of the personal holiday are as follows:
  - a. The employee shall request and receive supervisory approval prior to taking his/her personal holidays. Department directors and supervisors are responsible for monitoring use of the personal holidays.
  - b. The personal holidays must be taken during the calendar year in which they were credited. Personal holidays may not be carried forward for use in subsequent years. Employees will not be compensated for unused personal holidays, except as provided for in Section 3.01.3.F.

C. Unpaid Holiday

1. Definition: An "unpaid holiday" is a personal day an employee may take off, without pay, for the purposes of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church, or religious organization. The date of observation is to be selected by the employee, subject to the approval of the employee's supervisor, and used within each calendar year.
2. Criteria for use of an unpaid holiday are as follows:
  - a. The employee shall request and receive supervisory approval prior to taking an unpaid holiday. Department directors and supervisors are responsible for monitoring employee use of unpaid holidays.
  - b. An employee may be denied a request to use an unpaid holiday on a particular day if fulfilling the request would impose an undue hardship on the City, or the employee is necessary to maintain public safety.
  - c. No more than two (2) unpaid holidays may be taken in any calendar year. Unpaid holidays may not be carried forward for use in subsequent years.

D. Proclaimed Holiday

A proclaimed holiday is any day designated by public proclamation of the Chief Executive of the State of Washington as a legal holiday. Should a National or State holiday be declared in addition to those legal holidays listed in this policy, determination regarding observance shall be made as follows:

1. If the holiday is declared and falls on a date that occurs between regular Council meetings, the Chief Administrative Officer will approve or disapprove observance of the holiday. The Chief Administrative Officer will seek formal Council confirmation at the first Council meeting following the declared holiday.
2. Should a holiday be declared before a regular Council meeting, the decision to observe will be made by vote of the Council at the first meeting following declaration.

D. Saturday and Sunday Holidays

When a legal holiday falls on a Saturday, the preceding Friday will be observed as the legal holiday. When a holiday falls on Sunday, the following Monday will be observed as the legal holiday.

3.01.3 COMPENSATION FOR PAID HOLIDAYS:

A. Employees eligible for holiday pay shall receive their regular salaries on the days of the observed holidays. Pay in lieu of holiday time off is not permitted except as provided below under Subsection 3.01.3.B Holidays Worked or Subsection 3.01.3.F.

B. Holidays Worked1. *Hours Worked on an Observed Holiday.*

Non-exempt employees who are required to work on an observed holiday will be compensated for actual hours worked at one and one half (1-1/2) times their regular base rate of pay. A minimum of two (2) hours of holiday pay at time and one half (1-1/2) will be paid for authorized work performed on a holiday. Exempt employees will not be eligible for additional compensation.

Employees who are required to work a full shift on a holiday may, with supervisory approval, take the day preceding or the day following the observed holiday off in lieu of holiday pay. If an alternative day off is not taken, non-exempt employees will be paid the eight hours of holiday pay and the one and one half (1-1/2) rate for all actual hours worked on the holiday. Exempt employees will be paid their normal base rate.

2. *Hours Worked on a Personal Holiday.*

If an employee has scheduled a personal holiday in accordance with this policy and is subsequently required to work instead, the employee will be allowed to reschedule the personal holiday. In cases where rescheduling is required, the pay for the day worked will be at the employee's regular base rate. However, every effort will be made to allow the employee to take the personal holiday when the employee chooses.

C. Alternative Work Schedules

1. Full time employees on alternative work schedules whose flex day falls on an observed holiday will take their flex day off as scheduled. In addition, they may, with supervisory approval, take the day preceding or the day following the observed holiday off in observance of the holiday.
2. When the employee takes the scheduled flex day off on a holiday but, with supervisory approval, does not take an alternate day off for the holiday, the employee will be paid as follows:
  - a. An exempt employee will not be eligible for additional compensation.
  - b. A non-exempt regular full time employee will be paid the overtime rate for all hours exceeding the designated workweek for the week in which the holiday falls.

*Example 1:*

	<u>M</u>	<u>T</u>	<u>W</u>	<u>Th</u>	<u>F</u>
Employee works	9	9	9	9	8
	9	9	9	9	H

Employee is on a 9/80 schedule with every other Friday off. If the holiday (H) falls on the scheduled flex day (Friday), the employee would receive 8 hours at the overtime rate of 1-1/2 on the Thursday preceding the holiday (H) during the holiday week.

*Example 2:*

	<u>M</u>	<u>T</u>	<u>W</u>	<u>Th</u>	<u>F</u>
Employee works	H	10	10	10	10

Employee is on a 4/10 schedule with every Monday off. If the holiday (H) falls on the scheduled flex day (Monday), the employee would receive 8 hours at the overtime rate of 1-1/2 on the Tuesday following the holiday (H) during the holiday week.

D. Regular Part-Time Employees

1. Regular part-time employees whose regularly scheduled day off falls on a holiday shall take the day off as scheduled. In addition, they may, with supervisory approval, take the day preceding or the day following the holiday off in observance of the holiday.
2. If an employee takes the regularly scheduled day off but, with supervisory approval, does not take an alternate day off for the holiday, the employee will be paid as follows:
  - a. An exempt regular part-time employee will not be eligible for additional compensation.
  - b. A non-exempt regular part-time employee will be paid the overtime rate for all hours exceeding forty (40) hours per workweek for the week in which the holiday falls.

*Example 1:*

	<u>M</u>	<u>T</u>	<u>W</u>	<u>Th</u>	<u>F</u>
Employee works	7	7	7	7	H (5.6)

Employee is on a 4/7 schedule with every Friday off. If the holiday (H) falls on the scheduled day off (Friday), the employee would receive 5.6 (70% of F/T) hours of holiday pay on the Friday. Because the hours compensated in the full workweek does not exceed 40 hours, no overtime is paid for this week.

*Example 2:*

	<u>M</u>	<u>T</u>	<u>W</u>	<u>Th</u>	<u>F</u>
Employee works	9	9	9	9	H (7.2)

Employee is on a 4/9 schedule with every Friday off. If the holiday (H) falls on the scheduled day off (Friday), the employee would

receive 7.2 (90% of F/T) hours of holiday pay on the Friday. Because the employee is compensated 43.2 hours for the workweek, she is paid 40 hours at straight time and 3.2 hours at the overtime (1-1/2) rate on the Thursday preceding the holiday (H).

- E. Observed holidays must be used when they are accrued, except as otherwise set forth within this policy, and may not be carried over for use in subsequent years.
- F. Employees terminating employment with the City shall have their earned but unused personal holidays cashed out in their final pay check.

#### 3.01.4 SHIFT PERSONNEL:

Employees who work shift schedules will receive holiday time off in accordance with the scheduling practices set by the respective departments.

#### 3.01.5 COLLECTIVE BARGAINING AGREEMENTS/CIVIL SERVICE RULES:

Employees covered by collective bargaining agreements and/or civil service rules will be subject to the specific terms of those agreements and/or rules with respect to the subject of this policy. In the event the collective bargaining agreement and/or civil service rules do not address this policy subject, then employees shall be governed by this policy.