

## 31.04.01 System Holidays

Approved April 24, 1996  
Revised November 4, 1997  
Revised April 20, 2000  
Revised July 17, 2004  
Revised January 24, 2013  
Next Scheduled Review: January 24, 2018



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### Regulation Statement

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Eligible employees of The Texas A&M University System (system) are entitled to holiday leave in accordance with the schedule established by the Board of Regents and the terms of this regulation, but the schedule may not exceed the number of holidays observed by state agencies.

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### Reason for Regulation

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This regulation establishes uniform administration of holiday leave.

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### Procedures and Responsibilities

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#### 1. ELIGIBILITY

- 1.1 An employee listed in the position identification database in a budgeted position for 50 percent or more time for a period of at least four and one-half months, excluding an employee in a position for which student status is a requirement for employment, is entitled to holiday pay.
- 1.2 An eligible part-time employee will receive holiday pay and holiday compensatory time on a proportionate basis.
- 1.3 In this section, workday means a day on which an employee is normally scheduled to work. An employee who is on leave without pay for the entire workday immediately before or after a holiday is not considered an employee for purposes of this section. An employee who is working or in a paid leave status for at least part of the workday immediately before or after a holiday is considered to be an employee for purposes of this section. To be paid for a holiday, an individual must be an employee:
  - (a) on the workday immediately before and after a holiday that falls midmonth (other than the first or last workday of the month);
  - (b) on the workday immediately after a holiday if the holiday falls on the first workday of a month; or

- (c) on the workday immediately before a holiday if the holiday falls on the last workday of a month.

See the Appendix for examples.

## 2. HOLIDAYS FOR EMPLOYEES WORKING NON-TRADITIONAL SCHEDULES

An employee who works 40 hours a week on a schedule other than Monday through Friday is entitled to paid holiday time off during the fiscal year equal to eight hours multiplied by the number of holidays in the fiscal year. An employee who works a non-traditional schedule who works less than the entire fiscal year is entitled to paid holiday time off during the fiscal year equal to eight hours multiplied by the number of holidays that occur during the time period worked by the employee. Paid holiday time off for a part-time employee who works on a schedule other than Monday through Friday is proportionate to the number of hours the employee normally works.

## 3. WORKING ON A SCHEDULED HOLIDAY

- 3.1 Supervisors will ensure that sufficient staff are available to work, as a condition of their employment, on some or all holidays, if needed. The supervisor must approve scheduling in advance of work on a holiday.
- 3.2 Each member with a holiday schedule including Confederate Heroes Day, Texas Independence Day, San Jacinto Day, Emancipation Day in Texas or Lyndon Baines Johnson Day must have enough employees on duty to conduct public business on these state holidays.
- 3.3 An employee who is required to work on a holiday is entitled to compensatory time, for the amount of time worked on an hour-for-hour basis, to use during the 12 months after the holiday. When allowing compensatory time off would disrupt normal teaching, research or other critical functions, the member may elect to pay the employee for the compensatory time.

## 4. RELIGIOUS HOLY DAYS

- 4.1 An employee may use accrued vacation or compensatory time to observe Rosh Hashanah, Yom Kippur, Good Friday or any other holy day.
- 4.2 A member of the teaching faculty may not be discriminated against or penalized in any way if absent from work for the observance of a religious holy day if (1) the faculty member has given proper notice, and (2) the institution permits general personal absence by members of the faculty. If personal absence is customarily charged to leave or leave without pay, the absence will be treated as leave or leave without pay.
  - 4.2.1 A "religious holy day" means a holy day observed by a religion whose places of worship are exempt from property taxation under Section 11.20 of the Texas Tax Code.
  - 4.2.2 Giving "proper notice" means providing a listing of religious holy days to be observed during the semester to the department head and providing notice of such days in advance to all students whose classes would be canceled due to the

faculty member's absence. The notice to the department must be in writing and personally delivered to the department head with receipt of the notification acknowledged and dated.

- 4.3 A student must be excused from classes for the observance of a religious holy day (as defined in Section 4.2.1) including travel time and may, within a reasonable time after such absence, take an examination or complete an assignment scheduled for that day. A student who is excused under this rule may not be penalized for the absence, but the instructor may appropriately respond if the student fails to satisfactorily complete the assignment or examination.

## 5. EMPLOYEE TRANSFER, SEPARATION OR DEATH

- 5.1 If a state or national holiday occurs between the dates that an employee separates from one state agency and begins employment with a system member without a break in service, the member to which the employee transfers is responsible for paying the employee for the holiday regardless of whether the member that receives the new employee recognizes the holiday.
- 5.2 Refer to System Regulation *31.03.01, Vacation*, regarding the computation of total accumulated leave and holiday time for an eligible employee upon death or separation from state employment.
- 5.3 Refer to System Regulation *31.03.02, Sick Leave*, regarding the computation of total accumulated sick leave and holiday time for an eligible employee upon death.

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## Related Statutes, Policies, or Requirements

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[19 Tex. Admin. Code § 4.4, Student Absences on Religious Holy Days](#)

Tex. Educ. Code §§ [51.911](#), [51.925](#)

[Tex. Gov't Code Ch. 662](#)

[System Regulation 31.01.09, Overtime](#)

[System Regulation 31.03.01, Vacation](#)

[System Regulation 31.03.02, Sick Leave](#)

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## Appendix

If the holiday falls midmonth (after the first workday of the month and before the last workday of the month), an employee must be in a paid status at least part of his or her last regularly scheduled workday immediately before the holiday and at least part of his or her first regularly scheduled workday immediately after the holiday to receive holiday pay. For example, if

Independence Day is a holiday, an employee will be paid for the holiday if he or she is in a paid status on the first workday before and the first workday after Independence Day.

If the holiday falls on the day that would have been the first workday of the month, an employee must be in a paid status at least part of his or her first regularly scheduled workday immediately after the holiday to receive holiday pay. For example, if January 1<sup>st</sup> is a holiday, an employee will be paid for the holiday if he or she is in a paid status on the first workday after January 1<sup>st</sup>.

If a holiday falls on the day that would have been the last workday of the month, an employee must be in a paid status at least part of his or her last regularly scheduled workday immediately before the holiday to receive holiday pay. For example, for the winter holiday which typically begins in December and lasts into January, an employee will be paid for the December portion of the holiday period if he or she is in a paid status on the last workday before the holiday period begins.

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## **Member Rule Requirements**

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A rule is not required to supplement this regulation.

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## **Contact Office**

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System Human Resources Office  
(979) 458-6169