

Flexible Holiday Policies for State Employees in Select States

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Issue

Provide examples of flexible holiday policies in other states for state employees.

Summary

This report highlights examples of flexible holiday policies in other states impacting state employees. Private employers are not required to provide paid (or unpaid) holidays to their employees under federal law, but employers must provide reasonable accommodations for an employee's sincerely held religious beliefs or practices (see BACKGROUND).

Connecticut provides full-time, permanent state employees with three days of paid personal leave per calendar year, "for the purpose of conducting private affairs, including observance of religious holidays" ([CGS § 5-250](#)). Some other states offer floating, personal, or optional holidays. In practice, paid personal leave, floating holidays (e.g., Delaware, New Hampshire), and personal holidays (e.g., California, Florida, Washington, Wisconsin) all provide state employees with additional paid time off that does not count against their vacation time. An optional holiday policy (e.g., Colorado, Texas) generally allows state employees to take a paid optional holiday in place of an observed state holiday.

As is the case in most states, under Connecticut law, when a legal holiday occurs on a (1) Sunday it is observed on the following Monday and (2) Saturday it is observed on the preceding Friday ([CGS § 1-4](#)). In California, when an [observed holiday](#) falls on a Saturday, state employees earn eight hours of holiday credit, which must be used in the same fiscal year ([Cal. Gov't Code §19853.1](#)). This

credit could presumably be used to observe a religious holiday not recognized by the state and is an additional example of a policy that provides state employees with increased flexibility without states providing additional paid time off.

Floating and Personal Holiday Policies

Floating and personal holidays are typically defined as paid days off that an employee may use for any reason, including observing a religious holiday that an employer does not recognize as a paid holiday.

California

Full-time state employees that have completed at least six months of their initial probationary period of state service receive one personal holiday per fiscal year on July 1. The department head or designee may require employees to provide five working days' advance notice before a personal holiday is taken and may deny use subject to operational needs. Employees may elect to receive eight hours of holiday credit for the fourth Friday in September (Native American Day) instead of receiving a personal holiday ([Cal. Gov't Code §§ 19853 & 19854](#)).

Delaware

Delaware's director of the Office of Management and Budget is statutorily required to promulgate [policies and procedures](#) to implement two paid floating holidays for state employees ([Del. Code Ann. tit. 1, § 501](#)).

On January 1, full-time state employees receive two floating holidays that must be used during the calendar year (prorated for permanent part-time employees). New hires beginning employment between May 1 and August 31 receive only one floating holiday, while those hired after September 1 receive none. Unused floating holidays do not carry forward from one calendar year to the next and employees are not paid for unused floating holidays when they separate from employment.

Florida

Full-time state employees receive one personal holiday per fiscal year on July 1 (proportionally prorated for part-time employees), which must be used before June 30 of the following year ([Fla. Stat. Ann. § 110.117](#)).

New Hampshire

Full-time state employees receive two floating holidays per fiscal year (accrued on January 1 and July 1), which must be used as whole days within the fiscal years covered by the current collective

bargaining agreement ([N.H. Code Admin. R. Per. 1303.01](#)). Employees are paid for unused floating holidays if they terminate. (Note, the official [New Hampshire state holiday schedule](#) for 2021 states that full-time state employees are eligible for three floating holidays.)

Washington

State employees continuously employed for at least four months receive one paid personal holiday per calendar year. An employee scheduled to work less than six continuous months over a period covering two calendar years only receives one personal holiday during this period ([Wash. Admin. Code § 357-31-055](#)).

Wisconsin

State employees (excluding limited-term employees) receive three-and-a-half paid personal holidays per calendar year and an additional paid personal holiday in recognition of Veterans Day. If an employee takes a personal holiday during his or her initial probationary period and resigns before completion, the agency must recover the value of that time. Personal holidays are prorated for only the current calendar year if an employee is terminated. Earned personal holidays are noncumulative but if an employee's request to take a personal holiday is denied during the calendar year earned because of work needs, the employee may carry over the personal holiday to the next year ([Wis. Stat. § 230.35\(4\)\(d\)](#)).

Optional Holiday Policies

An optional holiday differs from personal leave, floating holidays, or personal holidays in that it provides no additional paid time off and instead permits employees to observe a holiday that is not officially observed by the state in lieu of a holiday that is. Both Colorado and Texas restrict which holidays may be used as an optional holiday and place limitations on which observed holidays the employee may work as a replacement.

Colorado

The head of a state agency may allow employees to take a paid day off on Cesar Chavez Day in lieu of any other legal holiday that occurs in the same state fiscal year on a weekday (other than a day of a state election) on which the agency is required to be open but only a minimum level of operations are required ([Colo. Rev. Stat. § 24-11-112](#)).

Texas

Texas state employees may take a paid optional holiday (limited to weekdays on which Rosh Hashanah, Yom Kippur, Good Friday, or Cesar Chavez Day fall) in place of an observed state holiday

in the same fiscal year that also falls on a weekday ([TX Gov't Code §§ 662.003, 662.006, & 662.013](#)). An employee may not give up the Friday after Thanksgiving Day or the 24th or 26th of December to earn optional holiday time.

Background

The [Fair Labor Standards Act](#) (FLSA) does not require private employers to provide paid or unpaid holidays (federal or otherwise) to employees. Federal workers receive a paid day off for the 10 [official federal holidays](#). Individual states generally observe these holidays, though they are not required to do so. For example, in 2018 only [21 states](#) provided state workers with a paid holiday on Columbus Day. States may recognize additional holidays but, generally, private employers are not required to provide paid (or unpaid) holidays to employees. Massachusetts and Rhode Island are the only states that prohibit private employers from requiring their employees to work on certain holidays (with numerous exceptions).

Under Title VII of the Civil Rights Act of 1964 all employers must [reasonably accommodate](#) an employee's sincerely held religious beliefs or practices unless the accommodation would impose an undue hardship (i.e., more than a minimal burden on operation of the business). Some states, such as Hawaii ([HAR §12-46-155](#)), Maine ([94-348 Code Me. R. ch. 3 § 3.14](#)), Oklahoma ([Okla. Admin. Code § 335:15-5-3](#)), and West Virginia ([W. Va. Code St. R. § 77-3-3](#)), explicitly identify floating holidays in their regulations as a potential alternative for providing employees with reasonable accommodation.

According to a May 2019 [report](#) by the Center for Economic and Policy Research, the average U.S. private sector worker receives six paid holidays per year and 22% of Americans have no paid holidays. In 2020, Connecticut state employees observed [12 paid holidays](#).

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