

**United States Department Of The Interior  
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EMS TRANSMISSION  
Information Bulletin No. HR-98-024

To: All BC, HR, NI, SNPIT, RS, Helium, and WO Field BIA Liaison Office Employees  
From: Director, National Human Resources Management Center  
Subject: Government Closure December 26, 1997

On November 25, 1997, President Clinton announced that all executive departments and agencies will be closed and their employees excused from duty on December 26, 1997. Heads of executive departments and agencies retain discretion to continue operations if they determine that certain offices and installations in their organizations must remain open and/or certain employees must report to work on December 26, 1997, for reasons of national security, defense, emergencies, or for other public reasons.

Employees who are scheduled to take leave on December 26, 1997, will not be charged leave for that day. However, there is no authority to restore use or lose annual leave forfeited under these circumstances. Therefore, employees who intended to take use or lose annual leave on December 26, 1997, should reschedule and take that leave before the end of the leave year on January 3, 1998.

General Rules for Employees Who Work Monday through Friday.

A. Full-time, part-time and other eligible employees who are regularly scheduled to work on Thursday or Friday, December 25 or 26, 1997, or on Thursday, January 1, 1998, will receive the day off as a paid Federal holiday. Employees who are required to work on a holiday(s) will receive holiday premium pay for all non-overtime holiday work.

B. When a holiday falls on a normally scheduled workday that day is considered to be the holiday. However, when a holiday falls on a non-workday outside the employee's basic workweek, the day to be treated as his or her "in lieu of" holiday is the workday immediately before the non-workday, except when the non-workday falls on a Sunday, in which case the next workday is the "in lieu of" holiday. Therefore, for full-time employees who have regularly scheduled non-workdays on Thursday, December 25, 1997, and/or January 1, 1998, the workdays immediately preceding those holidays become the designated "in lieu of" holidays. For full-time employees who have a regular non-workday on Friday, December 26, 1997, the workday immediately preceding that holiday will be designated as the employee's "in lieu of" holiday, taking into account any "in lieu of" holiday designated for December 25, 1997.

C. Part-time employees who work non-overtime hours on a holiday are entitled to basic pay when the holiday falls on a regularly scheduled workday. Unlike full-time employees, part-time employees are not covered by 5 U.S.C. 6103(b) or Executive Order 11582, which authorizes "in lieu of" holidays when a holiday falls on a non-workday. Generally, basic pay for the holiday may not exceed 8 hours for a part-time employee, however, those part-time employees on a compressed work schedule are entitled to basic pay for the number of hours they are scheduled for that day.

D. Employees on a compressed work schedule should observe the following guidelines regarding holidays. All employees on compressed schedules who do not work because of a scheduled holiday are entitled to receive their basic pay for the full number of hours they normally would have worked that day. In this year's situation Thursday, December 25, 1997 is a holiday. If Friday, December 26, 1997, is an employee's scheduled day-off and the Presidential government closure is also scheduled for December 26th, the employee would take their scheduled day off on the last workday preceding the holiday, which would probably be Wednesday. This is the general rule of thumb unless the head of the agency determines that it is necessary to designate a different "in lieu of" holiday for full-time employees on compressed work schedule, in order to prevent an "adverse agency impact". An agency designated "in lieu of" holiday must be within the same pay period as the date of the actual holiday, or in the pay period immediately preceding or following that pay period. 5 U.S.C. 6131 (b) defines adverse agency impact as a reduction in the productivity of the agency, a diminished level of services furnished to the public by the agency, or an increase in the costs of agency operations (other than reasonable administrative cost relating to the process of establishing a flexible or compressed schedule).

E. All full-time employees on a flexible work schedule are entitled to 8 hours of pay for a holiday they are not scheduled to work. Conversely, all full-time employees who work on a holiday are entitled up to 8 hours of holiday premium pay for all non-overtime hours worked. In this year's situation it is important that employees understand that although they may normally flex their schedule to nine or ten hour days on Thursdays and/or Fridays, for holidays and this type of government closure they will only be paid 8 hours for each day. Bearing this in mind, employees on flexible schedules must ensure they take the appropriate amount of leave or credit hours, and/or work enough hours to complete 80 hours during the pay period.

Questions regarding any of the matters in this bulletin should be directed to Jerry Jones, Employee Relations Specialist, at 303-236-6690.

Signed  
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