

VA



U.S. Department of Veterans Affairs

Office of the Chief Human Capital Officer

VA Central Office
Washington, DC

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OFFICE OF CHIEF HUMAN CAPITAL OFFICER (OCHCO) BULLETIN

SUBJ: Excusing Employees from Duty for the Scheduled Workday on Tuesday, December 24, 2019

This OCHCO Bulletin transmits a [memorandum](#) issued by the Office of Personnel Management (OPM) and [Executive Order \(EO\)](#) issued by President Donald Trump excusing Federal employees from duty for the scheduled workday of Tuesday, December 24, 2019, with pay and without a charge to leave, except those who, in the judgement of the head of the agency, cannot be excused for reasons of national security, defense, or other public need. For pay and leave purposes, December 24, 2019, will be treated as a Federal holiday.

Employees who are scheduled to take annual leave for the scheduled workday on Tuesday, December 24, 2019, will **not** be charged leave for the scheduled workday.

Use or Lose Annual Leave. If an employee has scheduled use or lose annual leave for December 24, 2019 and is unable to reschedule that leave for use before the end of the leave year, **January 4, 2020**, the leave will be forfeited. **When use or lose leave is forfeited under these conditions, there is no authority that permits restoration of the leave.** Those employees who may be forced into a “*use or lose*” leave category are to be advised that there is no authority to permit an exigency of service for this situation.

“In-Lieu-Of” Holiday. Since Christmas Day, December 25, 2019, is also a Federal holiday, we have prepared the following guidance regarding “in-lieu-of” holidays for full-time VA employees:

When a holiday falls on a non-duty day outside of an employee’s basic workweek, all full-time employees, including those on an alternative work schedule (i.e. flexible or compressed work schedule), are entitled to an “in-lieu-of” holiday based on the guidance provided in VA Handbook 5011. Part-time and intermittent employees (whether title 5, title 38, or hybrid title 38) are not entitled to “in-lieu- of” holidays.

The following “in-lieu-of” holiday guidance will apply to full-time employees on a compressed work schedule who regularly work a Monday through Friday tour of duty with **Saturday and Sunday** off.

- **Regularly scheduled non-duty day is Tuesday.** If Tuesday, December 24 is a regularly scheduled non-duty day, the “in-lieu-of” holiday for December 24 will be **Monday, December 23, 2019.**
- **Regularly scheduled non-duty day is Wednesday.** If Wednesday, December 25 is a regularly scheduled non-duty day, and the preceding workday is Monday, December 23, (because Tuesday, December 24, has become a non-duty day - i.e. a holiday through Executive order), the “in-lieu-of” holiday for Wednesday, December 25, is **Monday, December 23, 2019.**

Compressed schedule employees and title 38 physicians and nurses’ calendar holidays falling on a non-duty day in the workweek other than Sunday will be recognized on the prior (non-holiday) scheduled workday.

Title 5 Regular Schedule (5 scheduled workdays each week). A holiday falling on the first scheduled day off in the work week will be recognized on the subsequent (non-holiday) scheduled workday. Otherwise holidays falling on a scheduled day off will be recognized on the prior (non-holiday) scheduled workday.

NOTE: An administrative non-duty day means a day for which the employee is not scheduled to work and not receive pay.

Adverse Impact for Staffing. To mitigate the impact of having the “in-lieu-of” day fall on the same day for large numbers of employees, and for those adversely affected by this guidance, facilities may change non-duty days using existing local procedures.

Some employees might find it preferable to have a different non-duty day than the one prescribed in VA Handbook 5011. These employees may request a change to their regular scheduled tour of duty under existing local procedures. Approving officials may authorize the change based on workload and staffing levels. Such changes may help to mitigate the impact of having the in-lieu of holiday fall on the same day for all employees.

Full-time physicians, dentists, podiatrists, chiropractors and optometrists shall be excused to the extent possible for their scheduled workday on December 24, 2019. An “in-lieu-of” non- workday may be granted to those employees who are required to work during regularly scheduled hours on December 24, 2019, provided the employee’s services can be spared without detriment to patient care. Such “in-lieu-of” day, if authorized, must be taken within 90 days by the full-time employee concerned. Employees who work a portion of their tour of duty may be granted the proportional number of hours he/she performed service; i.e., if 4 hours were worked, then 4 hours can be used for the in-lieu of holiday within the 90-day timeframe. An “in-lieu-of” day may not be granted to employees who do not work on their recognized holiday benefit tour of duty.

Full-time time physicians, dentists, podiatrists, chiropractors and optometrists who are on approved annual leave on December 24, 2019, will not be charged leave for the day.

Pay and Compensation.

- Full-time employees who are not required to work on a holiday receive their rate of basic pay for the applicable number of holiday hours.
- Employees who are required to perform any work during basic (non-overtime) holiday hours are entitled to a minimum of 2 hours of holiday premium pay.

If an employee works on the holiday:

- Full-time employee who performs regularly scheduled non-overtime work on a designated holiday receives pay at the rate of two times their hourly rate for actual hours worked on their tour, but not less than two hours.
- Part-time and intermittent employees receive holiday pay only for service performed on the actual calendar holiday at their regular hourly rate.
- Full-time, part-time, or intermittent Physicians, Dentists, Podiatrists, Chiropractors and Optometrists are not entitled to any additional compensation for work performed on a holiday.

Employees who receive other premium pays, such as night or shift differential, weekend premium pay or Sunday pay while performing holiday work:

- An employee who performs work on a holiday during their regularly scheduled nonovertime tour of duty hours continues to be entitled to any other premium pays that he or she would otherwise be entitled for service performed during night or shift differential hours, on a weekend or a Sunday.

We strongly encourage HR offices to disseminate this information to supervisors and employees at your facility.

Additional Guidance

The OPM Memorandum, including questions and answers, can be viewed at: <https://www.chcoc.gov/content/excusing-federal-employees-tuesday-december-24-2019>.

Questions regarding this bulletin may be referred to the Worklife and Benefits Service at: vaco058worklife@va.gov.

For questions regarding premium pay and compensation, please contact the OCHCO Compensation Service at: vacocomp@va.gov.

For payroll and timekeeping questions contact the VA Financial Services Center (FSC) Customer Service Portal at: <https://vaww.cpm.fsc.va.gov> or by calling the VA FSC Payroll Support Tier 1 at (512) 460-5235 for Payroll support or (512) 460-5643 for VATAS support.

Issued by: VA Worklife and Benefits Service