



ADMINISTRATIVE DIRECTIVE

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I. PURPOSE

To identify paid City of Tucson holidays, and outline the eligibility of employees for paid holidays.

II. POLICY

A. The following are days designated by the City of Tucson as paid holidays for actively working employees or employees on paid leave status:

HOLIDAY	DATE
New Year's Day	January 1
Martin Luther King, Jr. Day	Third Monday in January
President's Day	Third Monday in February
Cesar Chavez Day	Either the final Monday or the final Friday in March, whichever is closest in time to March 31
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Christmas Day	December 25
Floating Holiday	Any day between January 1 and December 31
Employee Birthday	Commissioned Public Safety Personnel (in lieu of Floating Holiday)

B. Employees actively working or on paid leave status will receive eight (8) hours of holiday pay on designated holidays, except:

1. Permanent part-time employees and part-time appointed, benefit-eligible employees who normally work at least 40 hours per pay period, receive four hours of holiday pay.
2. Twenty-four hour duty Fire personnel receive 12 hours of holiday pay.
3. Employees working Involuntary Alternate Work Schedules.

C. When an actual holiday falls on a Sunday, it will be observed on the following Monday. When an actual holiday falls on a Saturday, it will be observed on the preceding Friday. Commissioned Public Safety personnel, see Section IV (G).

D. Staff normally scheduled to work on a Saturday or Sunday on which a holiday falls will observe that holiday on the actual day of the holiday.



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- E. When Mayor and Council declare a special holiday, it will be observed in the same manner as regularly scheduled holidays, as stated in this directive.

III. DEFINITIONS

- A. **Holiday Pay** – Hours paid at the straight time rate, when an employee is off work for the designated holiday.
- B. **Alternate Work Schedules**
1. **Involuntary Alternate Work Schedule** – Mandatory full-time work schedule whereby employee works 80 hours in a pay period in less than 10 days of work (e.g. 4-10 and 9-80 schedules).
 2. **Voluntary Alternate Work Schedule** – An employee's requested and department-approved Alternate Work Schedule, whereby an employee works 80 hours in a pay period in less than 10 days of work (e.g. 4-10 and 9-80 schedules).
- C. **Exempt (Salaried) Employees** – Employees who are not eligible for overtime because they fall into one of the following categories: Executive, Administrative, or Professional (see Overtime Policies Administrative Directive (AD) 2.01-2).
- D. **Non-Exempt (Hourly) Employees** – Employees eligible for overtime.

IV. PROCEDURES

A. **Off Work to Observe a Holiday**

1. Employees receive normal compensation when off work on a designated holiday (see Section II).
2. Employees must be at work or on paid leave status on the full scheduled day before and full scheduled day after the holiday in order to receive compensation for the holiday. Pay for donated leave use does not meet this requirement.
3. Employees may not use accrued leave on a holiday to gain overtime.
4. Employees may not flex their schedules in order to gain extra pay during the pay period in which a holiday falls.
5. Employees working Voluntary Alternate Work Schedules must utilize one of the following methods to make up the hours they would have worked during that week:



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- a. Employees working four (4) 10-hour shifts may revert their schedule back to 5-40 for the holiday week; employees working 9-80 schedules may revert their schedule back to 5-40 for the pay period in which the holiday falls, or;
- b. Make up the difference in hours by working, or;
- c. Use paid leave for the hours in excess of the eight (8) hour paid holiday.

B. Working on an Observed Holiday (Excludes Birthday or Floating Holiday)

Non-exempt employees working on a holiday receive pay for the hours they work on that day. Work during the employee's normal hours of work will be paid at the straight time rate, or the employee may be given Compensatory Time at the straight time rate.

C. Non-Permanent Employees

Non-Permanent employees will not be paid if given the day off for the holiday. If such employees work on the holiday, they will be paid at a time-and-a-half rate for the hours worked on the holiday. Non-permanent employees are not entitled to a Floating Holiday.

D. Equivalent Time Off

1. Exempt employees who work on the observed holiday may be given equivalent time off during the same pay period. Equivalent time off may be arranged by whole day increments only, not hourly increments.
2. Non-exempt employees who work on the observed holiday may be given equivalent time off within the same workweek.

E. Floating/Birthday Holiday

Permanent employees are entitled to one (1) Floating Holiday per year to be used during the current calendar year (January 1 through December 31). If not used, the Floating Holiday will be forfeited and will not carry over to the next calendar year. No additional compensation will be given for an unused Floating Holiday.

Commissioned public safety employees are entitled to a Birthday Holiday in lieu of a Floating Holiday.

F. Birthday Holiday (Commissioned Public Safety Personnel Only)

Supervisors are responsible to see that employees have the opportunity to take off work for their Birthday Holiday. The Birthday Holiday may be taken any day during the



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month in which the birthday falls. If not used, the Birthday Holiday will be forfeited, except:

1. Any employee whose birthday falls during an initial training academy may be paid at the straight time rate or receive Compensatory Time, instead of time off, for their Birthday Holiday.
2. Commissioned public safety employees eligible for overtime will be paid at the straight time rate or receive Compensatory Time for hours worked on the Birthday Holiday.

G. Employees Exempt from Overtime

If an exempt employee works on a holiday, or the holiday falls on their day off, the employee may be given another day off during the same pay period in which the holiday falls. The employee does not receive additional pay. If a day off is not given during the same pay period, the employee receives no holiday benefit, except:

1. Commissioned Public Safety personnel who are exempt from overtime, and are required to work on a holiday, may, at the option of their Chief, receive compensation at the straight time rate.
2. Exempt part-time employees who work on a holiday and are not given another day off for the holiday, will be credited four (4) hours of Holiday Pay during the pay period, allowing a maximum of 80 hours for the pay period.

H. City Court Employees

City Court employees will observe the City holidays listed in Section III. Additionally, on designated non-judicial days in which the court is closed to the public, City Court employees will report to work and conduct administrative business or be on approved leave.

I. Religious Holiday Observation

Departments are required to reasonably accommodate the needs of their employees for a religious holiday. Inquiries regarding reasonable accommodation for religious holidays may be directed to the City Attorney's Office. Employees given leave for this purpose must use paid leave (excluding Sick Leave), or Leave without Pay, if no paid leave is available.



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Appendices None.

References 2.01-2 Overtime Policies

Review Responsibility and Frequency The Human Resources Director will review this directive as needed.
Last review date: December 5, 2014.

Authorized



City Manager

Date 2/15/17



MAYOR & COUNCIL COMMUNICATION

December 6, 2016

Subject: Amending Tucson Code Section 22-91(a)(6) to adjust the date of observance of the César E. Chávez Holiday (City Wide)

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Issue – This item has been scheduled to allow the Mayor and Council to consider the attached Ordinance, which adjusts the date of observance of the César E. Chávez holiday so that it will always be observed in the final week of March of each year.

City Manager’s Office Recommendation – The City Manager’s Office requests that the Mayor and Council approve the attached Ordinance.

Background –The Ordinance that is presented for Mayor and Council consideration would adjust the date of the César E. Chávez Day paid holiday for City employees, beginning in 2017. Under the Code provision adopted in 2014, the holiday was established, and the date was fixed as the Monday that is closest in time to March 31, which is César E. Chávez’ birthday. However, the effect of that language is that the holiday would sometimes be in April. The attached ordinance would adjust the date so that the holiday will be observed **on either the final Monday or the final Friday in March, whichever is closest to March 31. For 2017, the holiday will be observed on March 31, a Friday.**

Financial Considerations – None.

Legal Considerations – The City Attorney’s Office has prepared the attached Ordinance for Mayor and Council consideration.

Respectfully submitted,

Michael J. Ortega, P.E.
City Manager

MJO/MR/dg
Attachment: Ordinance

ADOPTED BY THE
MAYOR AND COUNCIL

December 6, 2016

ORDINANCE NO. 11415

RELATING TO LEAVE AND OTHER BENEFITS: AMENDING ARTICLE V, SECTION 22-91(a)(6) OF THE TUCSON CODE TO ADJUST THE DATE OF OBSERVANCE OF THE CÉSAR E. CHÁVEZ HOLIDAY; AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Chapter VII, Section 1(35), the Mayor and Council have the authority to fix the hours during which the offices of the City shall remain open, and in that context to establish City holidays; and

WHEREAS, to recognize the extraordinary achievements and legacy of César E. Chávez, and his commitment to social justice and civil rights, the Mayor and Council previously established the birthday of César E. Chávez as a City holiday, with that holiday being observed on the Monday that is closest in time to March 31st of each year, beginning in 2015; and

WHEREAS, the Mayor and Council desire to adjust the date of observance of the César E. Chávez holiday so that it will always be observed in the last week of March of each year:

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON ARIZONA AS FOLLOWS:

SECTION 1. That effective May 1, 2014, the Tucson Code, Chapter 22, Article V, Section 22-91(a)(6), is amended to read as follows:

Sec. 22-91. Duties of the human resources director and city manager.

The human resources director, subject to the supervision and approval of the city manager, is charged with the responsibility for establishing rules and procedures regulating employee leaves, both with and without pay, for other paid and unpaid time off work and for the administration, establishment, and amendment, of those rules and procedures as from time to time may be required in accordance with the preceding provisions and as hereafter set forth. Rules and regulations for paid and unpaid leave shall not exceed the authorizations provided by ordinance.

a. The human resources director, with the approval of the city manager shall also establish administrative policies and procedures to provide for:

* * *

6. Paid time for holidays, which are as follows: New Year's day, Martin Luther King, Jr. Day, Presidents Day, César E. Chávez Day (to be observed on either the final Monday or the final Friday in March, whichever is closest in time to March 31), Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, Christmas Day and excepting commissioned public safety employees who shall have a birthday day holiday, one (1) employee floating holiday per year.

* * *

SECTION 2. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

SECTION 3. WHEREAS, it is necessary for the preservation of the peace, health and safety of the City of Tucson that this ordinance become

immediately effective, an emergency is hereby declared to exist and this ordinance shall be effective immediately upon its passage and adoption.

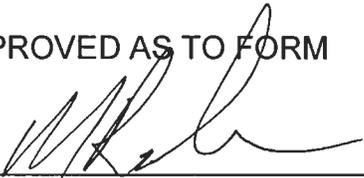
PASSED, ADOPTED AND APPROVED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA, December 6, 2016.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM



CITY ATTORNEY

REVIEWED BY:

CITY MANAGER

MR/dg
11/15/16