

LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION

816

LAW AND RULES

February 8, 2023

816 PAID HOLIDAYS

Education Code Sections

88203. All probationary or permanent employees who are part of the classified service shall be entitled to the following paid holidays if they are in a paid status during any portion of the working day immediately preceding or succeeding the holiday: January 1, February 12 known as "Lincoln Day," the third Monday in February known as "Washington Day," the last Monday in May known as "Memorial Day," July 4, the first Monday in September known as "Labor Day," November 11 known as "Veterans Day," that Thursday in November proclaimed by the President as "Thanksgiving Day," December 25, every day appointed by the President, or the Governor of this state, as provided for in subdivisions (c) and (d) of Section 79020 for a public fast, thanksgiving or holiday, or any day declared a holiday under Section 1318 for classified or academic employees. College recesses during the Christmas and Easter periods shall not be considered holidays for classified employees who are normally required to work during that period; provided, however, that this shall not be construed as affecting vacation rights specified in this section. For purposes of this section, "appointed by the President" includes the President signing into law legislation that creates a nationwide federal holiday, including the legal public holidays listed in subsection (a) of Section 6103 of Title 5 of the United States Code, but does not include Columbus Day. This definition is declaratory of existing law.

Regular employees of the district who are not normally assigned to duty during the college holidays of December 25 and January 1 shall be paid for those two holidays if they were in paid status during any portion of the working day of their normal assignment immediately preceding or succeeding the holiday period.

When a holiday herein listed falls on a Sunday, the following Monday shall be deemed to be the holiday in lieu of the day observed. When a holiday herein listed falls on a Saturday, the preceding Friday shall be deemed to be the holiday in lieu of the day observed. When a classified employee is required to work on any of said holidays, the employee shall be paid compensation, or given compensating time off, for such work, in addition to the regular pay received for the holiday, at the rate of time and one-half their regular rate of pay.

Article 3 (commencing with Section 79020) of Chapter 8 of Part 48 of this division shall not be construed to in any way limit this section, nor shall anything in this section be construed to prohibit the governing board from adopting separate work schedules for the academic and the classified services, or from providing holiday pay for employees who have not been in paid status on the days specified herein. Notwithstanding the adoption of separate work schedules for the academic and the classified services, on any schoolday during which students would otherwise have been in attendance, but are not and for which faculty receive regular pay, classified personnel shall also receive regular pay whether or not they are required to report for duty that day.

In addition to the other paid holidays specified in this section, the classified service may be entitled to a paid holiday on March 31 known as "Cesar Chavez Day," a paid holiday on April 24 known as "Genocide Remembrance Day," and a paid holiday on the fourth Friday in September known as "Native American Day," if they are in a paid status during any portion of the working day immediately preceding or succeeding the holiday, if the governing board, pursuant to a memorandum of understanding reached pursuant to Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, agrees to the paid holiday.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 3 (commencing with Section 88060).

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88204. Notwithstanding the provisions of Section 88203, if a community college district establishes a position or class of positions for which employees are required to work exclusively on weekends and holidays, and for which a special salary rate is established that recognizes the exclusive weekend and holiday peculiarity, the employees and positions may be exempted, by the personnel commission, where applicable, or the governing board from the benefits of Section 88203. No governing board may create a position or a class of positions, under this section, to avoid payment of overtime.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 3 (commencing with Section 88060) of this chapter.

88205. Prior to July 1 of any college year, the governing board of any community college district may designate other days during that year as the holidays to which classified employees are entitled in lieu of the holidays on February 12 known as "Lincoln Day," the third Monday in February known as "Washington Day," the last Monday in May known as "Memorial Day," or November 11 known as "Veterans Day," as specified in Section 88203, if the designated days provide for at least a three-day weekend. Classified employees shall be required to work on the regular holiday for which another day is designated pursuant to this section, and for work of eight hours or less, shall be paid compensation at their regular rate of pay.

If any classified employee would be entitled to the regular paid holiday but would not be in a paid status during any portion of the working day immediately preceding or succeeding the day so designated in lieu of that holiday and therefore would not be entitled to a day in lieu of the holiday, he or she shall be entitled to the regular holiday; however, if the employee is required to work on that holiday, he or she shall be paid compensation at the rate of time and one-half of his or her regular rate of pay in addition to the regular pay received for the holiday.

This section shall not be construed to authorize the maintenance of colleges on holidays other than as provided in Article 3 (commencing with Section 79020) of Chapter 8 of Part 48.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 3 (commencing with Section 88060).

88205.5. Notwithstanding any other provision of law, if the governing board of a community college district does not designate September 9 known as "Admission Day" as a paid holiday for classified employees, the district shall provide a substitute holiday for those employees. The substitute holiday shall be provided as specified in Section 88205.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 3 (commencing with Section 88060).

88206. Any community college district that requires any classified employee to work a workweek other than Monday through Friday, or if the classified employee consents to a workweek including Saturday or Sunday, or both, and as a result thereof the employee loses a holiday to which he or she would otherwise be entitled, shall provide a substitute holiday for the employee, or provide compensation in the amount to which the employee would have been entitled had the holiday fallen within his or her normal work schedule.

88080. (a) The commission shall prescribe and, amend, and interpret subject to this article, such rules as may be necessary to insure the efficiency of the service and the selection and retention of employees upon a basis of merit and fitness. The rules shall not apply to bargaining unit members if the subject matter is within the scope of representation, as defined in Section 3543.2 of the Government Code, and is included in a negotiated agreement between the governing board and that

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unit. The rules shall be binding upon the governing board, but shall not restrict the authority of the governing board provided pursuant to other sections of this code.

(b) No rule or amendment which would affect classified employees who are represented by a certified or recognized exclusive bargaining representative shall be adopted by the commission until the exclusive bargaining representative and the community college employer of the classified employees who would be affected have been given reasonable notice of the proposal.

A. An employee shall receive full pay for the following holidays, in addition to other paid holidays that may be approved by the Board of Trustees:

1. New Year's Day (January 1)
2. Martin Luther King Jr. Day (third Monday in January)
3. Lincoln Day (February 12, or as designated by the District)
4. Washington Day (third Monday in February)
5. Cesar Chavez Day (March 31)
6. Spring Break Friday (Friday of Spring Break; four hours)
7. Memorial Day (last Monday in May)
8. Juneteenth (June 19)
9. Independence Day (July 4)
10. Labor Day (first Monday in September)
11. Veterans Day (November 11)
12. Thanksgiving Holiday (designated third or fourth Thursday of November)
13. Thanksgiving Friday (designated Friday following Thanksgiving)
14. Christmas Eve (December 24)
15. Christmas Day (December 25)
16. New Year's Eve (December 31)
17. Admission Day (as designated by the District)

B. The following conditions apply to holidays in which employees receive full pay:

1. A regular employee must be in paid status during any portion of the last working day of their assignment preceding the regular holiday or the designated in lieu holiday or during any portion of the first working day of their assignment following the regular holiday or the designated in lieu holiday. A regular employee will receive full pay for the regular holiday or the designated in lieu holiday, if the first day of assignment is a regular holiday or a designated in lieu holiday and the employee is in paid status during any portion of the next working day, or if the last day of the employee's assignment is a regular holiday or a designated in lieu holiday and the employee is in paid status during any portion of the last working day preceding the holiday. An employee shall not be entitled to holiday pay if the employee's assignment terminates on a day immediately preceding a regular holiday or a designated in lieu holiday, or if the employee is initially employed on a day immediately succeeding a regular holiday or a designated in lieu holiday. However, if an employee meets the paid status requirements for a regular holiday, but would not meet the paid status requirement for a designated in lieu holiday, the employee shall be entitled to the regular holiday.

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2. A regular employee who is normally not assigned to work during the legal holidays of December 25 and January 1 shall be paid for those two holidays if the employee was in paid status during any portion of the working day of their normal assignment immediately preceding or succeeding the holiday period.
 3. Limited-term employees shall receive pay for holidays or designated in lieu holidays under the provisions of this paragraph provided they are in paid status any portion of the working day preceding and succeeding the regular holiday or designated in lieu holiday. Payment will be for the number of hours worked on the day preceding or succeeding the holiday, whichever is the greater.
- C. When a holiday occurs while an employee is on vacation or a paid leave of absence, the holiday shall be paid as a holiday and not charged against any leave benefits.
- When a legal holiday falls outside an employee's assignment basis, the employee shall receive holiday pay if the employee was in paid status during the last day of their assignment basis or during the first work day of the assignment succeeding the holiday.
- D. An employee serving in multiple assignments shall receive pay for holidays in each assignment independently according to their status in each particular assignment.
- E. When a holiday falls on the first day of an employee's weekend, the employee shall observe the holiday on the preceding day. When a holiday falls on the second day of an employee's weekend, the employee shall observe the holiday on the following day. The two days that employees are not regularly required to work when they are assigned on a typical workweek will be considered their "weekend."
- F. Employees who are required to work on days declared to be holidays (excluding college holidays and those on Saturday or Sunday) shall, in addition to the pay to which they may be entitled under this rule, be compensated as follows:
1. Time and one-half for work on regular holidays, except that if a holiday is designated in lieu of the regular holiday, work on the in-lieu holiday shall be so compensated and work on the regular holiday shall be compensated at straight time.
 2. Time and one-half for work on a regular holiday for which an in-lieu holiday has been designated, only for those employees who would be entitled to the regular holiday, but would not be entitled to the in-lieu holiday.
 3. Executive and Administrative classes, as defined in Rule 596, OVERTIME, who are required to work on a holiday, shall be granted compensating time off on a straight time hour-for-hour basis within 12 calendar months following the month in which the holiday was worked.
- G. When a holiday falls on a Saturday, work on the preceding Friday shall be compensated in accordance with Paragraph E., above, except for Christmas Day and New Year's Day in which case compensation will be for the following Monday. When a holiday falls on a Sunday, the following Monday shall be compensated in accordance with Paragraph E., above, except for Christmas Eve Day and New Year's Eve Day in which case compensation will be for the preceding Friday. When the workweek is reduced

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by any holiday, time worked in excess of the reduced workweek shall be considered overtime, and the limitation of 30 hours of weekly overtime shall be increased by the amount of the reduction in the workweek due to holidays. Time absent with pay shall count as part of the 40 hours week to the extent of the payment received.

- H. If a holiday of an employee who is on a 9/80 work schedule falls within the 2-week work schedule, the holiday shall be considered the eight (8) hour day and the remaining eight working days shall be nine (9) hour days.
- I. If a holiday of an employee who is on a 9/80 or 4/40 work schedule falls on an employee's scheduled nine (9) or ten (10) hour working day, they shall be granted nine (9) or ten (10) hours of holiday pay, whichever is applicable (except as provided in paragraph G.).
- J. If a holiday falls outside of an employee's 9/80 or 4/40 work schedule they shall receive a holiday on the workday immediately preceding or following the designated holiday.