

## ADDITIONAL HOLIDAY INFORMATION

A Holiday Question and Answer group was formed to provide a structured process in clarifying the various scenarios and questions around the contract language for holidays and holiday weeks. Payroll scenarios, holiday substitution document, and Questions and Answers from the JIT website have been added as a hyperlink under Holidays and the Intent Notes in the contract. That document and questions have been update to reflect the changes in the 2018 cba.

- I. Guiding Statements
  - II. Holiday Week Incentives
  - III. Holiday Premium Pay
  - IV. Substitute Holidays
  - V. Thanksgiving
  - VI. General Questions
  - VII. Substitute Language – Use and Operational Language - Inpatient 24/7 Units
  - VIII. Suggested Calendar For Annual Holiday Scheduling Events
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### **I. Guiding Statements**

- A) Both Thursday and Friday of the Thanksgiving holiday are eligible for the incentives as outlined in paragraphs 355-355D, if the employee pre-schedules and works the full appointment fraction during the week of the holiday and has both Thursday and Friday off as holidays. (Note that this is not related to, nor intended to change paragraph 351B).  
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- B) The holiday incentive language in paragraphs 355-355B applies to 24/7 units and OR/PACU and Procedure units, including those without holiday obligation. The language does not apply to Ambulatory Care Units. Holiday pay, as outlined in paragraphs 355-355B, is paid at straight time.  
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- C) Per Para 366.1, after the annual holiday selection period, the posted holiday schedules are ‘TENTATIVE ONLY’ until that holiday’s OneStaff schedule is posted.  
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- D) Per Para 333H.1, holiday scheduling takes precedent over the granting of PTO.  
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- E) Per Para 350, the holiday shall be the consecutive 24-hour period starting with the employee’ starting time on the calendar on which the holiday is observed except when ½ or more of an employee’s work schedule occurs on the calendar day on which the holiday is observed and the balance of the work schedule begins on the preceding day, the 24-hour period shall begin start with the employee’s start time on the calendar day proceeding the day on which the holiday is observed.

(For additional help see Holiday Payroll Scenarios on JIT website)

## **II. Holiday Week Incentives**

1) Is there a time when taking PTO cancels incentives?

A1) Taking of PTO in the week negates the incentives except if the PTO or Approved No Pay is for low census or connected to the use of Sleep Time. These are the only exceptions where the incentives are credited as selected. See Para 355.4 – (a) to (e)

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2) What if a unit does not need all the help identified in paragraphs 355-355B?

A2) This language is used only when the help is needed to build the holiday week schedule.

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3) If I choose to bank a holiday for PTO, does that time count toward the calculation of OT?

A3) No, you are not PAID over 40 hours, thus no OT.

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4) What happens if I do not designate whether I want pay or PTO for a holiday?

A4) It is the individual nurse's responsibility to notify the scheduler/payroll person as to how they want to be paid out. Timekeepers must default to the pay option.

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5) How is it recorded if an employee calls in on an extra shift they picked up in the holiday week? Do they need to use PTO for this shift?

A5) The shift is documented as an unscheduled absence but they do not use PTO for the shift. The Holiday then is coded as 'H' and is paid as part of the appointment fraction.

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6) Can I take Scheduled PTO during a holiday week and utilize the holiday incentive language as well?

A6) No, with the exception of using PTO for low census or connected to the use of Sleep Time, you need to work your appointment fraction for this language to apply.

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7) Is there a need to designate the 'extra' shift worked toward holiday week incentives that identifies that shift as the "OA/OT" shift?

A7) Yes, the designation is done by the manager or designee. This is done to satisfy Para 355.3 and to ensure that the person working the full appointment fraction for the holiday week incentive is not up first to be cancelled as OA/OT on every shift they work that week. It is also to protect others so that they are able to work their scheduled appointment before those using the holiday week incentive are allowed to work extra.

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8) I am a CSR/ACNRP regular employee who has chosen a holiday week to work their full appointment fraction during holiday weeks in which I am not scheduled to work on the holiday (Para 351D). How are we in CSR eligible for the holiday week incentives along with our use of PTO in conjunction with Para 355?

- A8) If you have **pre-scheduled PTO** that is less than your full appointment for the week with the holiday off ....
- a. You work less shift(s) so that using pre-scheduled PTO along with the shift(s) worked still equal your full appointment, then the Holiday is paid above appointment at the normal shift length
  - b. One of the worked shifts still must be designated as the extra OA shift

**In order to get an entire week off** with pre-scheduled PTO during a holiday week there must be enough PTO available to cover your full appointment fraction minus the Holiday (Holiday is part of the appointment).

If you **call in** on a scheduled work shift that is the designated extra shift you do not get PTO and the Holiday becomes a part of your appointment (No holiday week incentive).

If you **call in** on a scheduled work shift that is NOT the designated extra shift you **must** take PTO. The Holiday is paid above appointment. (No holiday week incentive).

If there is **low census** and a regular shift is cancelled you may choose PTO or No Pay for that day.

If there is **low census** on the designated extra shift nothing is reported that day, the shift is canceled.

For Example:

.9 FTE Employee normally works three 12 hour shifts each week. For a week where a Holiday falls:

- If you have one PTO day pre-scheduled
  - a) You work two shifts, have one PTO shift and the Holiday is paid above appointment at the normal shift length.
  - b) One of the two worked shifts must be designated as the extra shift
- In order to get an entire week off with pre-scheduled PTO during a holiday week there must be enough PTO available to cover your full appointment fraction minus the Holiday
  - a) For the above employee there must be 24 hours of PTO available that week
  - b) You get two shifts of PTO and one shift of Holiday pay as part of the appointment

### **III. Holiday Premium Pay**

9) Our unit is normally only open M-F. If a holiday falls such that we are closed on a Friday that is 'observed' as the holiday, we would have some staff and scheduled hours on the 'actual' holiday on Saturday. We cannot be closed for more than 48 hours! Does the staff who worked on that Saturday which is the 'actual' holiday get the holiday premiums of 1.5x or 2.0x (Christmas)?

A9) Yes, if your unit is completely closed on the 'observed' holiday, e.g. Friday, July 3rd, but have staff and hours worked on the actual holiday, Saturday July 4th, then those employees that work on the 'actual' holiday of July 4th would receive the Holiday Premium pay of Para 354A.

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10) Our unit is normally a 6-days a week operation (Mon-Sat) and we've always 'observed' the holiday from the weekend on Friday or Monday as in Para 347. Since we are open both days, e.g. Friday and Saturday, who gets the Holiday Premium, those working on the 'observed' holiday (Friday) or those who are working on the 'actual' holiday when it falls on a Saturday?

A10) Since your unit works both days, the 'observed' and 'actual' holiday, those who work on the 'actual' holiday are the ones paid the Holiday Premiums from Para 354A. That would also mean that those employees that would work both days, the 'observed' holiday and the 'actual' holiday, the Holiday Premium pay would only be paid on the hours worked on the 'actual' holiday and not the 'observed' holiday, e.g. (Friday July 3rd vs. Saturday July 4th).

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11) How does this new understanding of paying the Holiday premiums from Para 354A for those units using an 'observed' holiday, e.g. Friday or Monday for a weekend holiday, apply to us on a holiday that falls on a Sunday? A holiday which falls on Sunday will be 'observed' on that follow day (Monday). We are an M-F operation and are normally closed on Sunday but will have some staff and hours on the 'observed' holiday of Monday July 5, 2010. Where does the Holiday Premium get paid?

A11) Since you not working and closed on the actual holiday (Sunday) but the unit is still working on the 'observed' holiday (Monday), those working on the 'observed' holiday will receive the Holiday Premium pay from Para 354A. But, if your unit had been actually opened for hours on that holiday Sunday and was either open or completely closed on the Monday for the 'observed' holiday, then those who worked on the 'actual' holiday of Sunday would be the ones who get the Holiday premium pay not those on the observed holiday (Monday).

**IV. Substitute Holidays**

12) Paragraph 349 states: “the Substitute holiday may not be taken during any week in which the employee has a holiday off.”

a) Does the above sentence mean that an employee may not place more than one substituted holiday into the same week?

b) Another way to ask is can an employee substitute all of their off holidays and move them to the same week?

A12-a) Employees may not place two substituted holidays into the same week

A12-b) Employees cannot use substituted holidays all in the same week

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13) In the “Holiday Substitution Request Period,” is Thanksgiving considered one or 2 holidays?

A13) It is considered one holiday and as such is substituted as one holiday such that, in this case, both days (2) would be substituted to the same week. You cannot substitute only one of the two days.

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14) In previous years, we were told employees could only substitute holidays on. Now it is holidays off, can you please explain?

A14) The week they are substituting the holiday out of becomes a ‘regular’ week and the employee can be scheduled their full appointment fraction without incentives (P355) to fit the unit needs. They can be on or off the university-identified holiday based on unit need, as it is no longer a “holiday” for this individual. This also provides for consistency across our organization.

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15) Please explain line 2c on the holiday substitution document. It states “To substitute a holiday to another date, the employee must be working the week that the holiday would have fallen into and may actually be scheduled to work on the holiday itself.”

A15) Line 2 C was included to address the fact that the employee cannot be on leave the week of the holiday and use that holiday time in an alternate week when they return to work. They need to be working the holiday week to substitute that holiday to another week.

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**IV. Substitute Holidays (continued)**

16) If someone is substituting a holiday and now the University designated holiday week becomes a regular week for them, should we not just assign them to be on the holiday and grant the day off to someone who requested it off but was put on the holiday?

A16) One goal of this is to staff the unit. This decision is a unit level decision based on unit need. Having the person who has substituted their holiday available to work their full appointment fraction on other days may be more adventitious to the unit than granting the other individual's holiday off request. The other employee who was denied being off can possibly be granted an extra holiday off at the schedule development period, which would provide for additional unit coverage since they would need to work their appointment fraction.

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**V. Thanksgiving**

17) Can a nurse who is working their whole appointment fraction Thanksgiving week and has the holiday off, bank PTO for one holiday, and get paid holiday pay for the other?

A17) Yes, it is the responsibility of the nurse to let the timekeeper know which day to pay and which day to convert to PTO.

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18) How are the two days of Thanksgiving counted?

A18) Both are counted as 'on' or both are counted as 'off'.

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19) If I am in a 24/7 inpatient area, work 40 hr. per week, and also am a Monday through Friday person with the Thanksgiving holiday off, do I get both Thanksgiving day and the day after Thanksgiving paid in my appointment fraction?

A19) Not necessarily. It will depend on unit need but one will be in one's appointment fraction and one may be over with the need to pick up an additional shift that week. Paragraph 353 does not apply in this case.

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20) We have a couple of people that only staff one day a week, how does that work if Thanksgiving is their holiday? What if it is their holiday off?

A20) If it is their holiday on, Thanksgiving is a two-day holiday and they would work, over a 2-week pay period, their appointment fraction and work both days of the holiday. If it is their holiday off, paragraph 351B applies.

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21) In the "Holiday Substitution Request Period," is Thanksgiving considered one or 2 holidays?

A21) It is considered one holiday and as such is substituted as one holiday such that, in this case, both days (2) would be substituted to the same week. You cannot substitute only one of the two days.

## VI. General Holiday Questions

22) How are holidays counted for people who will be out on a paid or unpaid extended absence over one or some of the holidays?

A22) If you are on leave for a holiday(s) you were tentatively scheduled to work, it counts as a holiday 'worked'. If you are on leave for a holiday(s) you were not tentatively scheduled to work, it **neither** counts as a holiday worked nor as an additional holiday off.

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23) What constitutes appropriate medical documentation when a nurse used unscheduled PTO in conjunction with a holiday?

A23) See paragraph 352. The documentation must include the following:  
a) The person was seen by a physician in conjunction with the absence.  
b) The physician has indicated that the employee could not work on the date(s) in question.  
c) The person has been cleared by the physician to return to work, with or without restrictions.

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24) How is the holiday paid when an employee is off on Extended Sick Time?

A24) The employee is paid for the full holiday at the employee's regular shift length.

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25) Does the incremental PTO access language apply to the holiday itself?

A25) No.

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26) Paragraph 163E.5 speaks to a period of 6 months following an employee's reduction in appointment fraction: "For a period of six (6) months following an employee's reduction in appointment fraction, the employee must work the equivalent of his/her former appointment fraction plus applicable individual limit. Does this apply to holiday weeks?"

A26) No. (Paragraph 333P1-#9)

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27) Do 24/7 Monday through Friday positions continue to have a holiday obligation if the holiday falls on the weekend?

A27) Yes, they may be expected to work their holiday even if it falls on a weekend. However, they are not required to work the other weekend day.

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28) How am I paid if I 'call in' on a holiday that I am scheduled to work?

A28) You will be paid PTO (unscheduled) if you don't meet the criteria of the language in paragraph 358 which means you will not be paid holiday pay. You will only be paid 'Holiday pay' if you meet the criteria outlined in the language in Paragraph 358. It is the individual's responsibility to contact your manager/ supervisor.

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**VI. General Holiday Questions** (continued)

29) What is a “fixed schedule” as it relates to holidays?

A29) A fixed (or cyclical) schedule means that the employee works the same days every week or same ongoing pattern of days without change. Rotating every other weekend does not constitute a fixed (cyclical) schedule. Fixed (cyclical) schedules are meant to be predictive for a schedule of work into the future. A fixed (cyclical) schedule of work does not change and is not affected by weekends and holidays in the scheduling of work days. If weekends and holidays do change the pattern of scheduling days of work, then it is not a ‘fixed’ (cyclical) schedule. (Para 353)

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30) For Para 354A, can I have the ‘mutually agreed day off’ noted in section #2 any time during the year?

A30) No. The mutually agreed day off needs to occur within the same ‘pay period’ of the holiday. Otherwise, you can try to use the ‘substitute’ holiday language in Para 349 (See Holiday Substitution info below).

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31) With Para 354A, how am I getting paid when I get the mutually agreed day off?

A31) You will receive straight time for the hours worked on the holiday and an equal number of hours off on that mutually agreed day off at straight time as well.

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32) When I work on a holiday can I bank/add hours into my PTO bank instead of receiving Holiday or Holiday premium pay?

A32) No. The UMPNC contract and its members do not have the option of banking holiday pay as PTO. UMPNC members do have a holiday week incentive with banking PTO if they work their full appointment fraction during a holiday week and are off on the holiday. (Para 355-355B)

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33) Can I pick up the period of 7P-11P on what looks like to be on a holiday for someone else? What pay do I get?

A33) What needs to be determined is if the 4 hours are scheduled as ‘holiday’ or ‘non-holiday time’.

If the 7P-11P is from the ‘evening shift’ or 4 hours of the 12-hour ‘night shift’ are determined and are actually considered part of a ‘holiday shift’, you must follow paragraph 371A and assume the shift of the most senior employee who desires the ‘holiday off’. You are in essence making yourself available to work an additional holiday. Incremental PTO cannot be used on a holiday. There would be holiday pay and premium associated with those 4 hours.

If the actual shift that is represented by that 7P-11P period is part of the evening shift before the ‘holiday’ or are the 4 hours connected to the night shift of the next day, a ‘non-holiday’, you can pick up those 4 hours. They can even be considered as ‘Incremental PTO’ a staff’s scheduled work of 7P-11P. There is no holiday pay or premium associated with those 4 hours.

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**VI. General Holiday Questions** (continued)

34) If my unit WRC decides to use the language of Para 367B that states that those working on Christmas will have a guarantee of either Dec. 24 or Dec. 26<sup>th</sup> off, who gets the final say on who works on the 24<sup>th</sup> or 26<sup>th</sup>?

A34) Seniority and employee's choice for either working or being off on the 24<sup>th</sup> or the 26<sup>th</sup> will remain a consideration based on WRC decision but the final decision is that of management. The decision is based on many factors e.g., skill mix, charge nurse, and unit experience needed.

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35) After the annual holiday selection period, can changes be made to the holiday schedule?

A35) Yes it can according to Para 366.1 which states it is a 'TENTATIVE' holiday schedule.

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36) If I have a 'set' (not fixed: see Q28) schedule, do I have priority over a higher senior person to work a holiday that falls on my set day to work?

A36) No

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37) Is there a need to designate the 'extra' shift worked toward holiday week incentives that identifies that shift as the "OA/OT" shift?

A37) Yes, the designation is done by the manager or designee. This is done to satisfy Para 355.3 and to ensure that the person working their full appointment fraction for the holiday week incentive is not up first to be cancelled as OA/OT on every shift they work that week. It is also to protect others so that they are able to work their scheduled appointment before those using the holiday week incentive are allowed to work extra.

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38) Who should be allowed to work first, those that are working the hours as part of their scheduled 'holiday' or those working the hours as a 'non-holiday' shift? Then, who should be mandated off first?

A38) Holiday takes priority over regular scheduling. The people who are working the hours as holiday time have the first opportunity to get time off or remain working. You go to the 'holiday' staff first and ask using the extra holiday off log and see if they wish to be off. If there are not enough holiday volunteers, then you go to the 'non-holiday' staff and ask using the regular time off log. If you still do not have enough volunteers and need to mandate off, you go to the non-holiday staff first and use that assigned time off log.

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**VI. General Questions** (continued)

39) If an RN picks up (schedule exchange - all rules were followed) Christmas for another RN as an additional holiday on and the unit then needs to mandate off that holiday, would the RN picking up the additional holiday be cancelled first or would it go by seniority?

A39) Those on the holiday as an 'additional holiday' on should be mandated off before those there working as their regular holidays selected. This is from Para 368-2.a.

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40) The tentative holiday schedule is posted and as the year progresses there are transfers and new hires. How do you place the new unit staff on the tentative holiday schedules?

A40) Per Para 373, throughout the year when new hires and/or transfers occur onto the unit, they need to be allowed to select their holiday time off as in the annual holiday selection process. The final results for holiday selection for the new staff cannot disadvantage those that went through the annual selection process and are already on the tentative holiday schedules.

This would mean that despite the seniority of a transfer, if occurring after the annual holiday selection period, their requests for holiday off is considered in a way that does not disadvantage those that went through the annual holiday selection with a valid request even if that staff has lower seniority than the transfer.

New hires throughout the year again use Para 373 and are again treated the same as transfers regarding requests for holidays off.

Once new hires and transfers are tentatively placed, they are in that tentative holiday slot until schedule development for that holiday. They are then subject to release or reassignment to their original holiday off requests.

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41) The tentative holiday schedule is posted and now during schedule development, you need fewer staff than tentatively assigned. How do you release the extra staff from the holiday?

A41) Look at the holiday in question and find those who were mandated/moved to work that Holiday, e.g., they requested that holiday off but had to be mandated on due to other requests from higher senior staff. Place these 'mandated' on staff in seniority order, highest to lowest. You offer in seniority order (highest/lowest) if they would now like that mandated 'on' holiday to be a holiday 'off'. If yes, place them onto the tentative holiday schedule that would reflect their original requests for holiday "off", if possible.

Note: Para 368.1.c states that no employee will be allowed to take a second holiday off until all employees have had an opportunity for one additional holiday off.

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**VI. General Questions** (continued)

- 42) We have a very large unit where on holidays the number of normally scheduled/required staffing is significantly reduced due to expected holiday census and scheduling as compared to staffing on other days. Must we continue to follow the process of requesting holidays 'off' or can we select from a list with the available holiday shifts to 'work' (holiday on) which is opposite to the process of requesting holidays 'off' per Para 362-363?
- A42) During the creation of the unit holidays guidelines (Para 367B), the WRC could create a Holiday selection process that allows holiday shifts/slots to be worked (holiday on) selected by seniority order (highest to lowest) as is often done in OR/PACU/Procedure areas instead of the process of requesting Holidays 'off'. The unit Holiday scheduling guidelines and processes must be approved by the unit WRC, the unit and then submitted to the Associate Chief Nursing Officer and UMPNC office by December 1<sup>st</sup> of each year for their review and approval. Holiday request selection period remains in January according to Paragraph 362.

## **VII. Substitute Language – Use and Operational Language - Inpatient 24/7 Units**

### 1. Contract Language that reflects holiday substitution language includes:

- a. Paragraph 349. "Any employee may substitute up to three (3) holidays of the employee's own choice for any of the holidays designated above, within any January 1 to December 31 period, provided arrangements are made in a prescheduled manner. The substitute holiday may not be taken during any week in which the employee has a holiday off. In such a case, the provisions of this Article shall apply to the substituted holiday and not the holiday designated above except that Paragraphs 354 and 355 do not apply to substitute holidays. In the event that no work is provided such an employee on a holiday designated above, the employee will not be paid for the holiday unless arrangements for a PTO day have been made in accordance with the provisions of Article 29."
- b. Paragraph 333H –1: "Holiday scheduling takes precedence over the granting of PTO."

### 2. Interpretations:

- a. The employee can only substitute holidays they are off. Thanksgiving is considered as one holiday and the employee cannot substitute only one of the two days. Since this was the employee's holiday off, all attempts will be made to see that they are off the date to which they have moved the holiday.
- b. Holidays cannot be substituted into weeks there is a university-designated holiday.
- c. To substitute a holiday to another date, the employee must be working the week that the holiday would have fallen into and may actually be scheduled to work on the holiday itself. (Example: To substitute July 4<sup>th</sup> to another week, the employee will be scheduled to work the week of July 4<sup>th</sup> move the 4<sup>th</sup> of July holiday to another week). The employee may be scheduled to work the July 4<sup>th</sup>. A person off on a leave may not substitute their holidays to dates outside of the leave.
- d. Holiday incentives only apply to the weeks of university designated holidays. (Paragraph 348)
- e. In order for substituted holidays to be granted on a seniority order basis and for priority scheduling consideration over granted vacations, holiday substitution requests will be made with the week following the posting of the unit's tentative holiday schedule.

- f. Following this priority week, holiday substitution requests will be granted on a first come, first serve basis as the unit schedule can accommodate taking into consideration already granted holiday substitutions and vacations granted.
- g. Holiday substitution requests must be submitted in writing with the date of submission to the manager or supervisor.
- h. Holiday substitution requests will be honored in the same time block as vacations, May 1-April 30.

**VIII. Suggested Calendar for Annual Holiday Scheduling Events**

See Paragraph 333J.3

- a. January: Holiday request period\*
- b. February 1st: Tentative holiday schedule posted
- c. First week of February: Requests for holiday substitutions submitted\* for granting in seniority order
- d. February: PTO granting process proceeds
- e. Second week of February: Holiday substitution requests accepted and granted on a first come first server basis.