

Please note that the Office of Human Resources just issued new [guidance](#) regarding holiday leave and working on a holiday that updates some of the rules of working on a holiday. This email is to supplement that guidance and address Patent specific questions.

**Holiday Work Authorization:** If you are authorized to work overtime in the biweek in which a holiday falls, you are authorized to work on the holiday. If you are not authorized to work overtime but you need to work on the holiday (such as employees in OPIC who are on overseas travel), consult with your supervisor prior to working the hours.

**Change to IFP/IFS Maximum Hours on a Holiday:** The guidance contains a very important change to IFP/IFS for Patents employees. Employees will no longer be able to accumulate 20 hours on a holiday toward their 80 hour biweekly requirement. Because of the hours available in the IFP/IFS time band, working 12 hours and claiming 8 hours of holiday leave resulted in an employee being in a work status and a leave status for some of the same hours. This is not lawful.

Now, if you are authorized to work on a holiday, you may perform holiday work (with holiday premium pay) for up to the first 8 hours and work up to 4 additional hours of regular time, credit hours, overtime, or compensatory time. If you work 12 hours, you will still record 8 hours of holiday leave and 12 hours of work in WebTA, but only 12 hours may count toward your biweekly requirement. (See pages 5-6 of the guidance document).

Alternatively, if you are authorized and choose to work on the holiday, you may work up to 8 credit hours. You will also receive 8 hours of holiday leave. Unless you are allowed to carry over credit hours from one biweek to the next, you must use the credit hours later in the biweek, when they will count toward your basic work requirement. If you are allowed to carry over credit hours from one biweek to the next because you are statutorily capped from working overtime or compensatory time, you may either use

the credit hours later in the biweek or carry them over (up to a maximum of 24 credit hours may be carried over).

## **Frequently Asked Questions**

Here are responses to common questions regarding the guidance:

Q: How do I know if I am authorized to work on a holiday?

A: Patents employees who are approved to work overtime for a biweek are authorized to work on a holiday falling in that biweek.

Q. May examiners and other employees on production perform non-production ("other time") activities on a holiday?

A. Employees may only perform examining duties when using the "Holiday Worked" time code, the same as with overtime. The WebTA system and PALM cannot distinguish what activities are being performed so hours recorded with the "Holiday Worked" time code automatically count toward production. An employee working on IFP/IFS may record non-production activity if working regular hours after completing 8 hours of holiday work.

Q: I am a POPA employee enrolled in the Patents POPA part-time program. How does this guidance apply to me?

A: Patents POPA employees enrolled in the Patent part-time program are considered to be flexible part time employees.

Q: Under the voluntary credit hour option, are the up to 8 credit hours considered IFP credit hours or regular credit hours?

A: For most employees, credit hours must be used later in the same biweek (IFP credit hours). For employees subject to the statutory pay cap who are prevented from working

overtime or compensatory time in lieu of overtime, they may either be used later in the same biweek or carried over to a subsequent biweek (up to a maximum of 24).

Q: If I work 8 hours of holiday work and 4 regular hours on the holiday, WebTA shows a total of 20 hours for the day. Why don't 20 hours count toward my 80-hour biweekly requirement?

A: WebTA shows 20 hours because you must record your time on a holiday using both the "Holiday Leave" and "Holiday Worked" time codes. You should total your hours under "Regular Time," "Leave and Absence," and "Comp Time/Credit Hours Taken" to determine the number of hours that count toward your biweekly basic work requirement. In this example, only 12 hours will count toward the biweekly requirement on the holiday. However, unless you are subject to the premium pay cap, you will receive the equivalent of 20 hours of pay for the holiday (8 hours of holiday work at twice your basic rate of pay and 4 regular hours).

Q: If I work a compressed schedule (e.g., fixed hours 7:30 am-5:00 pm), can I not work holiday hours but just work overtime or comp time as long as I am working outside of my scheduled fixed hours (e.g., 5:00-9:00 pm)?

A: Yes, you may claim holiday leave for your regularly scheduled hours and, if you are approved to work overtime, you may work overtime outside of your regularly scheduled hours.