

LOS ANGELES UNIFIED SCHOOL DISTRICT
PERSONNEL COMMISSION

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LAWS AND RULES

(Reissue) January 25, 1982

816 HOLIDAYS

Education Code 45203

All probationary or permanent employees a part of the classified service shall be entitled to the following paid holidays provided 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 Governor of this state, as provided for in subdivisions (b) and (c) of Section 37220 for a public fast, thanksgiving or holiday, or any day declared a holiday under Section 1318 or 37222 for classified or certificated employees. School recesses during the Christmas, Easter, and mid-February periods shall not be considered holidays for classified employees who are normally required to work during that period. However, this shall not be construed as affecting vacation rights specified in this section.

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

When a holiday listed in this section falls on a Sunday, the following Monday shall be deemed to be the holiday in lieu of the day observed. When a holiday listed in this section 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 these holidays, he or she 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 the employee's regular rate of pay.

The provisions of Article 3 (commencing with Section 37220) of Chapter 2 of Part 22 shall not be construed to in any way limit the provisions of this section, nor shall anything in this section be construed to prohibit the governing board from adopting separate work schedules for certificated and the classified services, or from providing holiday pay for employees who have not been in paid status on the days specified herein...

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," provided 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 I of the Government Code) agrees to the paid holiday.

CHANGE:

Editorial changes only. No change in text.

Remove: January 25, 1982, page 1 of 5. Add: (Reissue) January 25, 1982, page 1 of 4.

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LAWS AND RULES

(Reissue) January 25, 1982

Education Code 45204

Notwithstanding the provisions of Section 45203, if a school 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 45203. No governing board may create a position or a class of positions, under this section, to avoid payment of overtime...

Education Code 45205

Prior to July 1 of any school year, the governing board of any school district may designate other days during such 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 45203, provided that such designated days will 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 paid status during any portion of the working day immediately preceding or succeeding the day so designated in lieu of such holiday and therefore would not be entitled to such day in lieu of the holiday, he shall be entitled to the regular holiday; however, if he is required to work on such holiday, he shall be paid compensation at the rate of time and one-half of his regular rate of pay in addition to the regular pay received for the holiday...

Education Code 45206.5

Notwithstanding any other provision of law, if the governing board of a school district does not designate September 9 known as "Admission Day" as a paid holiday for classified employees pursuant to Section 37222, the school district shall provide a substitute holiday for such employee. Such substitute holiday shall be provided as specified in Section 45205...

CHANGE:

Editorial changes only. No change in text.

Remove: January 25, 1982, page 2 & 3 of 5. Add: (Reissue) January 25, 1982, page 2 of 4.

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LAWS AND RULES

April 15, 1992

- A. A regular employee shall receive full pay for those holidays listed in Section 45203 of the Education Code or for those days designated as holidays in lieu of the regular holidays in accordance with Section 45205 or Section 45206.5 of the Education Code and for days declared to be holidays by the Board of Education under the following conditions:
1. The employee must be in paid status during any portion of the last working day of his assignment preceding the regular holiday or the designated in lieu holiday or during any portion of the first working day of his assignment following the regular holiday or the designated in lieu holiday. He will receive full pay for the regular holiday or the designated in lieu holiday if the first day of his assignment is a regular holiday or a designated in lieu holiday and he has been in paid status during any portion of the next following working day, or if the last day of his assignment is a regular holiday or a designated in lieu holiday and he has been in paid status during any portion of the last working day preceding the holiday. A person shall not be entitled to holiday pay if his assignment terminates on a day immediately preceding a regular holiday or a designated in lieu holiday, or if he 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 requirement for a regular holiday, but would not meet the paid status requirement for a designated in lieu holiday, he shall be entitled to the regular holiday.
 2. A legal holiday that occurs during the winter recess shall be paid as a holiday if the employee was in paid status on the last day that school was in session or on the first day of the school session after the recess.
 3. No regular employee shall be disadvantaged by working a flexible assignment basis. They shall receive the same number of holidays not charged against vacation or leave benefits.
- B. When a holiday occurs during an employee's vacation or paid leave of absence, except military leave, the holiday shall be paid as a holiday and not charged against vacation or leave benefits.
- C. A regular classified employee serving on multiple assignments shall receive pay for holidays in each assignment independently, according to his status in each particular assignment.
- D. When a holiday falls on the first day of an employee's weekend, the preceding day shall be treated as the holiday. When a holiday falls on the second day of the employee's weekend, the following day shall be treated as the holiday. The two days that employees are not regularly required to work when they are assigned on an atypical workweek will be considered their "weekend".

CHANGE:

New Paragraph A.3. added to provide equitable holidays for employees on a non-traditional assignment basis.

Remove: March 2, 1978, page 3 of 4. Add: April 15, 1992, page 3 of 4.

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LAWS AND RULES

March 2, 1987

- E. Regular employees, except those in executive/administrative classes, who are required to work on holidays (excluding those on Saturday or Sunday) shall, in addition to pay to which they are entitled under this Rule, be paid or provided compensating time off, 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.
- F. Employees in the following classes are excluded from holiday compensation and are to be paid at the regular rates of pay for time worked on holidays:
- Classes in the Playground Group, Recreation Series
- Plant Security Aide (Saturday, Sunday and Holiday)
- G. Employees in the executive/administrative classes listed in Rule 596 shall be granted equal time off for time worked on a holiday.
- H. The time for which an employee is compensated as holiday pay shall be counted in computing eligibility for overtime compensation.

CHANGE:

Editorial changes.

Remove: April 28, 1990, page 5 of 5. Add: March 2, 1987, page 4 of 4.

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