

TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES

PART III - EMPLOYEES

Subpart E - Attendance and Leave

CHAPTER 61 - HOURS OF WORK

SUBCHAPTER I - GENERAL PROVISIONS

§ 6103. Holidays

(a) The following are legal public holidays:

New Year's Day, January 1.

Birthday of Martin Luther King, Jr., the third Monday in January.

Washington's Birthday, the third Monday in February.

Memorial Day, the last Monday in May.

Independence Day, July 4.

Labor Day, the first Monday in September.

Columbus Day, the second Monday in October.

Veterans Day, November 11.

Thanksgiving Day, the fourth Thursday in November.

Christmas Day, December 25.

(b) For the purpose of statutes relating to pay and leave of employees, with respect to a legal public holiday and any other day declared to be a holiday by Federal statute or Executive order, the following rules apply:

(1) Instead of a holiday that occurs on a Saturday, the Friday immediately before is a legal holiday for—

(A) employees whose basic workweek is Monday through Friday; and

(B) the purpose of section 6309¹ of this title.

(2) Instead of a holiday that occurs on a regular weekly non-workday of an employee whose basic workweek is other than Monday through Friday, except the regular weekly non-workday administratively scheduled for the employee instead of Sunday, the workday immediately before that regular weekly nonworkday is a legal public holiday for the employee.

(3) Instead of a holiday that is designated under subsection (a) to occur on a Monday, for an employee at a duty post outside the United States whose basic workweek is other than Monday through Friday, and for whom Monday is a regularly scheduled workday, the legal public holiday is the first workday of the workweek in which the Monday designated for the observance of such holiday under subsection (a) occurs.

This subsection, except subparagraph (B) of paragraph (1), does not apply to an employee whose basic workweek is Monday through Saturday.

(c) January 20 of each fourth year after 1965, Inauguration Day, is a legal public holiday for the purpose of statutes relating to pay and leave of employees as defined by section 2105 of this title and individuals employed by the government of the District of Columbia employed in the District of Columbia, Montgomery and Prince Georges Counties in Maryland, Arlington and Fairfax Counties in Virginia, and the cities of Alexandria and Falls Church in Virginia. When January 20 of any fourth year after 1965 falls on Sunday, the next succeeding day selected for the public observance of the inauguration of the President is a legal public holiday for the purpose of this subsection.

(d) (1) For purposes of this subsection—

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- (A) the term “compressed schedule” has the meaning given such term by section 6121 (5); and
- (B) the term “adverse agency impact” has the meaning given such term by section 6131 (b).
- (2) An agency may prescribe rules under which employees on a compressed schedule may, in the case of a holiday that occurs on a regularly scheduled non-workday for such employees, and notwithstanding any other provision of law or the terms of any collective bargaining agreement, be required to observe such holiday on a workday other than as provided by subsection (b), if the agency head determines that it is necessary to do so in order to prevent an adverse agency impact.

Footnotes

¹ See References in Text note below.

(Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 515; Pub. L. 90–363, § 1(a), June 28, 1968, 82 Stat. 250; Pub. L. 94–97, Sept. 18, 1975, 89 Stat. 479; Pub. L. 98–144, § 1, Nov. 2, 1983, 97 Stat. 917; Pub. L. 104–201, div. A, title XVI, § 1613, Sept. 23, 1996, 110 Stat. 2739; Pub. L. 105–261, div. A, title XI, § 1107, Oct. 17, 1998, 112 Stat. 2142.)

Historical and Revision Notes

Derivation	U.S. Code	Revised Statutes and Statutes at Large
(a)	5 U.S.C. 87.	June 28, 1894, ch. 118, 28 Stat. 96.
	5 U.S.C. 87a.	May 13, 1938, ch. 210, 52 Stat. 351.
		June 1, 1954, ch. 250, 68 Stat. 168.
(b)	5 U.S.C. 87b.	Dec. 26, 1941, ch. 631, 55 Stat. 862.
	5 U.S.C. 87c.	Sept. 22, 1959, Pub. L. 86–362, §§ 1, 2, 73 Stat. 643, 644.
(c)	[Uncodified].	Jan. 11, 1957, Pub. L. 85–1, 71 Stat. 3.

In subsection (a), former sections 87, 87a, and 87b are combined and restated for clarity. The names of all holidays are inserted for ready reference in a like manner to that used in former section 87c.

In subsection (c), the year “1965” is substituted for “1957”.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

References in Text

Section 6309 of this title, referred to in subsec. (b)(1)(B), was repealed by Pub. L. 94–183, § 2(26), Dec. 31, 1975, 89 Stat. 1058.

Amendments

1998—Subsec. (b)(3). Pub. L. 105–261 added par. (3).

1996—Subsec. (d). Pub. L. 104–201 added subsec. (d).

1983—Subsec. (a). Pub. L. 98–144 inserted item relating to birthday of Martin Luther King, Jr.

1975—Subsec. (a). Pub. L. 94–97 changed Veterans Day from fourth Monday in October to November 11.

1968—Subsec. (a). Pub. L. 90–363 added Columbus Day, the second Monday in October, to the enumerated legal public holidays, and substituted provisions that Washington’s Birthday, Memorial Day, and Veterans Day are to be celebrated on the third Monday in February, the last Monday in May, and the fourth Monday in October, respectively, for provisions that the above mentioned public holidays are to be celebrated on February 22, May 30, and November 11, respectively.

Effective Date of 1983 Amendment

Section 2 of Pub. L. 98–144 provided that: “The amendment made by the first section of this Act [amending this section] shall take effect on the first January 1 that occurs after the two-year period following the date of the enactment of this Act [Nov. 2, 1983].”

Effective Date of 1975 Amendment

Pub. L. 94–97 provided that the amendment made by Pub. L. 94–97 is effective Jan. 1, 1978.

Effective Date of 1968 Amendment

Section 2 of Pub. L. 90–363 provided that: “The amendment made by subsection (a) of the first section of this Act [amending this section] shall take effect on January 1, 1971.”

References in Laws of the United States to Observances of Legal Public Holidays

Section 1(b) of Pub. L. 90–363 provided that: “Any reference in a law of the United States (in effect on the effective date of the amendment made by subsection (a) of this section) [January 1, 1971] to the observance of a legal public holiday on a day other than the day prescribed for the observance of such holiday by section 6103 (a) of title 5, United States Code, as amended by subsection (a), shall on and after such effective date be considered a reference to the day for the observance of such holiday prescribed in such amended section 6103 (a).”

Executive Order No. 10358

Ex. Ord. No. 10358, June 9, 1952, 17 F.R. 1529, as amended by Ex. Ord. No. 11226, May 27, 1965, 30 F.R. 7213; Ex. Ord. No. 11272, Feb. 23, 1966, 31 F.R. 3111, which related to the observance of holidays, was revoked by Ex. Ord. No. 11582, Feb. 11, 1971, 36 F.R. 2957, set out below.

Ex. Ord. No. 11582. Observance of Holidays

Ex. Ord. No. 11582, Feb. 11, 1971, 36 F.R. 2957, provided:

By virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

Section 1. Except as provided in section 7, this order shall apply to all executive departments, independent agencies, and Government corporations, including their field services.

Sec. 2. As used in this order:

(a) Holiday means the first day of January, the third Monday of February, the last Monday of May, the fourth day of July, the first Monday of September, the second Monday of October, the fourth Monday of October, the fourth Thursday of November, the twenty-fifth day of December, or any other calendar day designated as a holiday by Federal statute or Executive order.

(b) Workday means those hours which comprise in sequence the employee’s regular daily tour of duty within any 24-hour period, whether falling entirely within one calendar day or not.

Sec. 3. (a) Any employee whose basic workweek does not include Sunday and who would ordinarily be excused from work on a holiday falling within his basic workweek shall be excused from work on the next workday of his basic workweek whenever a holiday falls on Sunday.

(b) Any employee whose basic workweek includes Sunday and who would ordinarily be excused from work on a holiday falling within his basic workweek shall be excused from work on the next workday of his basic workweek whenever a holiday falls on a day that has been administratively scheduled as his regular weekly nonworkday in lieu of Sunday.

Sec. 4. The holiday for a full-time employee for whom the head of a department has established the first 40 hours of duty performed within a period of not more than six days of the administrative workweek as his basic workweek because of the impracticability of prescribing a regular schedule of definite hours of duty for each workday, shall be determined as follows:

(a) If a holiday occurs on Sunday, the head of the department shall designate in advance either Sunday or Monday as the employee’s holiday and the employee’s basic 40-hour tour of duty shall be deemed to include eight hours on the day designated as the employee’s holiday.

(b) If a holiday occurs on Saturday, the head of the department shall designate in advance either the Saturday or the preceding Friday as the employee’s holiday and the employee’s basic 40-hour tour of duty shall be deemed to include eight hours on the day designated as the employee’s holiday.

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(c) If a holiday occurs on any other day of the week, that day shall be the employee's holiday, and the employee's basic 40-hour tour of duty shall be deemed to include eight hours on that day.

(d) When a holiday is less than a full day, proportionate credit will be given under paragraph (a), (b), or (c) of this section.

Sec. 5. Any employee whose workday covers portions of two calendar days and who would, except for this section, ordinarily be excused from work scheduled for the hours of any calendar day on which a holiday falls, shall instead be excused from work on his entire workday which commences on any such calendar day.

Sec. 6. In administering the provisions of law relating to pay and leave of absence, the workdays referred to in sections 3, 4, and 5 shall be treated as holidays in lieu of the corresponding calendar holidays.

Sec. 7. The provisions of this order shall apply to officers and employees of the Post Office Department and the United States Postal Service (except that sections 3, 4, 5, and 6 shall not apply to the Postal Field Service) until changed by the Postal Service in accordance with the Postal Reorganization Act.

Sec. 8. Executive Order No. 10358 of June 9, 1952, entitled Observance of Holidays by Government Agencies and amendatory Executive Orders No. 11226 of May 27, 1965, and No. 11272 of February 23, 1966, are revoked.

Sec. 9. This order is effective as of January 1, 1971.

Richard Nixon.