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DEPARTMENT OF DEFENSE
CIVILIAN PERSONNEL MANUAL (CPM)
CPM BASIC INSTALLMENT NO. 7

CPM Chapter 610, Subchapter 2, "Observance of Holidays in Foreign Areas," is issued herewith.

1. Add new pages as indicated below immediately following FPM Chapter 610, Subchapter 1.

<u>CPM Identification</u>	<u>Insert Pages</u>	<u>Explanation of Changes</u>
610.2	i and 1 through 4	Establishes DoD policy on observance of holidays in foreign areas.

2. File this Installment Sheet immediately preceding CPM Chapter 272.

Jerry L. Calhoun
Principal Deputy Assistant Secretary of Defense
(Manpower, Reserve Affairs, and Logistics)

Attachment

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CPM CHAPTER 610

HOURS OF DUTY

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SUBCHAPTER 2. OBSERVANCE OF HOLIDAYS IN FOREIGN AREAS

2-1. GENERAL

a. Purpose. This chapter presents policy and procedures concerning the observation of holidays by DoD employees in foreign areas.

b. Applicability and Scope. This chapter applies to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, and the Defense Agencies. It does not apply to DoD Dependents Schools international schools.

2-2. POLICY AND PROCEDURES

a. Principles for Observance of Holidays in Foreign Areas

(1) Consistent with mission demands, all U.S. citizen DoD employees, regardless of their location, shall be permitted to observe official U.S. holidays.

(2) All foreign national employees of the Department of Defense shall be permitted to observe their official holidays in the manner applicable to them as determined by appropriate authority.

(3) Employees may not be authorized time off without a charge to leave or a reduction in pay on a day that is not their "official" holiday, unless the absence is due to circumstances that prevent work from being performed properly.

(4) Due to the exigency of business, both U.S. citizen and foreign national employees may be required to work on a day designated as a holiday with appropriate premium pay compensation.

b. Uniform Local Practice Development within a Country

(1) The area Unified military commander shall ensure, to the maximum degree possible, that there is a uniform practice adopted for the observance of both U.S. and foreign official holidays in accordance with subsection 2-2.a., above. In establishing local practice for observing official holidays, to ensure equitable treatment of employees, it is considered desirable to use existing coordinating mechanisms whenever possible. The views of all DoD activities concerned shall be taken into consideration in establishing uniform practice.

(2) When developing the basic local holiday observance policy, Unified military commanders shall consider the differences in mission needs of the various DoD activities involved and, when appropriate, authorize variations from the basic policy. Any differences in observance of official holidays between DoD activities within a country shall be based on clearly rational criteria, especially if some offices may be closed and employees may be dismissed without a charge to leave or a reduction in pay for additional nonworkdays.

(3) The basic policy as well as variations therefrom and the reasons therefor shall be publicized to the entire affected community to avoid misunderstandings about official holiday observance policy or practices.

c. Identifying Holidays to Be Observed

(1) Foreign Holidays. Official holidays for foreign national employees may be designated based on host country law, agreements between governments, or negotiations with unions, if appropriate. Foreign holidays also may be observed based on the customs or traditions of the country. Generally, holidays are identified through local wage surveys and are based upon the prevailing practice among the majority of the employers as surveyed. U.S. citizen employees may not be dismissed on foreign holidays without a charge to leave unless work cannot be performed properly.

(2) U.S. Holidays. Official holidays for U.S. citizen employees are designated by law or Executive Order. Security, operational, or other considerations that make it more practical to close an office on official U.S. holidays, thus making them nonworkdays for foreign national employees, shall be considered when constructing local pay schedules. When such schedules are based upon prevailing wage rates and practices, it is appropriate to reduce the aggregate pay by the applicable factor in recognition of the additional number of holidays granted foreign national employees of the Department of Defense. This can be done only if all employees paid from the schedule are similarly situated with regard to the holiday. When business can be conducted properly, it is appropriate to schedule a U.S. holiday as a regular workday for foreign nationals, even if it necessitates that some U.S. citizens be required to work. Foreign national employees may be dismissed without a charge to leave only on U.S. holidays that are factored into their pay schedules, unless circumstances prevent work from being performed properly.

d. Alternatives for Consideration in Observing Holidays. Local policy development may entail a number of alternatives based on circumstances and needs of DoD activities. Whenever possible, consideration shall be given to adoption of the same practice by all DoD activities in the country. However, when this is not practical, one or more of the following practices may be adopted for observing holidays based on the operational needs of a particular DoD activity having both U.S. citizen and foreign national employees:

(1) Dismissing only those employees whose services are not essential and for whom the holiday is an official holiday. All others shall be requested to work, and those who can be spared and who desire the time off shall be permitted to use leave.

(2) Closing offices on U.S. holidays and dismissing foreign nationals without charge to leave when this nonworkday has been fully factored into their pay schedules.

(3) When possible, arranging to substitute U.S. holidays for designated foreign holidays for foreign national employees. This permits the possible celebration of selected foreign holidays in common with U.S. holidays if permitted by host country law or labor agreements.

(4) Curtailing operations on the holiday and rescheduling the work for another day, if practical, for those employees for whom the day is not an official holiday. (This requires restructuring the basic workweek in advance and may require consultation or negotiation, if appropriate.)

(5) Curtailing operations to the extent desirable by requiring all employees for whom the day is not an official holiday to use leave, if they have accrued it. This may be appropriate as an alternative when work can be performed but management considers it more effective resource management to curtail operations (for example, on a day when many employees will not be reporting for work).

(a) While the taking of leave can be at the request of an employee, area military commanders shall have the authority to place employees with sufficient leave to their credit (including any leave that will accrue to the employees during the year) on leave at times considered appropriate by management.

(b) In exercising the authority to place employees on leave, area military commanders shall comply with negotiated agreements or host country law.

(c) Employees shall be notified early to enable them to formulate their leave plans.

(6) Dismissing all affected employees without a charge to leave or a reduction in pay if work cannot be performed properly on a given official holiday. (Under no circumstances may some employees be dismissed without a charge to leave while others who are similarly affected by the same circumstances be required to work or use leave.) Under a Comptroller General decision (17 C.G. 298), DoD activities may not dismiss employees on a holiday that is not their official holiday without a charge to leave unless work cannot be performed properly.

e. Circumstances That May Prevent Work from Being Performed Properly. The following are examples of circumstances when work cannot be performed properly on a holiday or other special occasion that is not an official holiday for all employees, which may make it necessary to close an office and dismiss all affected employees without a charge to leave or a reduction in pay:

(1) The place of employment is closed physically by law or legal authority, or essential building services cannot be provided and it is not practical to make other arrangements to accomplish work (such as rescheduling the work for another day or providing alternative worksites).

(2) Transportation services are discontinued or interrupted to the point where most, if not all, employees are prevented from reporting to work, and it is not practical to make other arrangements to accomplish work. (Normally this would not apply when public transportation is not the principal mode of travel.)

(3) Duties of a substantial number, if not all, of the employees in the DoD unit or activity concerned consist largely or entirely of dealing

directly with persons who are observing the holiday and there are no other duties (consistent with their normal duties) to which the employees can be assigned on the holiday. (Under most circumstances, duties shall be available, particularly in the case of holidays known well in advance. However, employees may not be required to report to the office solely as a matter of form and assigned to nonproductive "make-work" projects.)

(4) A local holiday or special occasion is determined by the Chief of Mission or the area Unified military commander to be of such significance that conduct of any business by some or all offices under his or her jurisdiction would be an affront to the host country government or not in the best interests of the United States. A day to be treated as one of special significance should extend to all elements in the society, that is, normal business ceases and most, if not all, business and government offices are closed in commemoration of the event. (Examples include a national day of mourning or a special celebration of a day of founding or independence; however, this normally should not extend to the majority of the recurring holidays.)