



The authority to pay premium pay to federal employees for work performed on a holiday is found at 5 U.S.C. § 5546, and in implementing regulations issued by the Office of Personnel Management (OPM) found at 5 C.F.R. §§ 550.131, copy enclosed. The statute and regulations limit the premium that may be paid for 8 hours work on a holiday to 8 hours extra pay. 5 U.S.C. § 5546(b). Therefore, to increase the amount payable for holiday work as suggested by Mr. \_\_\_\_\_ would require new legislation.

The correspondence you enclosed also raises a collateral issue that relates to the establishment of work schedules for employees at Mr. \_\_\_\_\_ duty station. Apparently, Mr. \_\_\_\_\_ and others were permitted to work a compressed schedule, i.e., four, 10-hour days with 3 days off each week. Because of supervision requirements, at least in some situations, the employees are no longer permitted to work the compressed schedules and now are required to work five, 8-hour days each week. It appears that Mr. \_\_\_\_\_ believes that alternative arrangements could be made to allow the employees to continue to work the compressed schedules.

Pursuant to the Flexible and Compressed Work Schedules Act, 5 U.S.C. § 6120, et seq., and implementing OPM regulations, an agency "may establish programs which use a 4-day workweek or other compressed schedule." 5 U.S.C. § 6127(a). However, whether or not to establish such a program is discretionary with the agency, and if the head of the agency finds that a particular compressed schedule has had or would have an "adverse agency impact," the agency may not establish or continue such a schedule. 5 U.S.C. § 6131(a). Thus, generally, a determination of whether to discontinue a compressed work schedule is a matter within the discretion of the agency concerned, although if the schedule was established pursuant to a collective bargaining agreement, the matter may be subject to review by the Federal Services Impasses Panel if the agency and the employees' representative cannot reach an agreement. 5 U.S.C. § 6131(c).

We trust this is responsive to your inquiry.

Sincerely yours,

\s\ Seymour Efros  
for Robert P. Murphy  
General Counsel

Enclosures

B-259770

DIGEST

1. In regard to a constituent's complaint, a Senator is advised that the authority for premium pay for work performed on a holiday is found at 5 U.S.C. § 5546 and in implementing regulations issued by the Office of Personnel Management, which are found at 5 C.F.R. § 551.131. These provisions limit the premium that may be paid for 8 hours work on a holiday to 8 hours extra pay. The constituent argues that this limitation gives a greater benefit to those who are given the day off and suggests that the premium payable be increased to 2 times the basic pay rate plus the regular 8 hours of pay. The suggested remedy to this perceived inequity would require new legislation.

2. In regard to a constituent's complaint, a Senator is advised that under the Flexible and Compressed Work Schedules Act, an agency may establish a compressed work schedule program, and the agency may discontinue such a program if it finds "adverse agency impact." Generally, this is a matter of agency discretion, but if the program was established under a collective bargaining agreement, a determination to discontinue it may be subject to review by the Federal Services Impasses Panel.