

President's Recent Announcements Regarding George H.W. Bush Do Not Entitle Employees to Paid Holiday in California

December 05, 2018

Numerous clients have asked Dannis Woliver Kelley attorneys whether the President's December 1, 2018 "Executive Order" and "Presidential Proclamation," remembering and honoring President H.W. Bush, require school districts and community college districts to close their doors on December 5, or provide classified employees with a paid holiday.

Based on the announcements made to date by the President (and the Governor), we have concluded that the President's announcements do not contemplate a national holiday. As a result, closing and/or providing a paid holiday for employees on December 5, 2018 is not required in California.

Our conclusion is based on Education Code sections 45203 and 37220 (applicable to school districts), Education Code sections 88203 and 79020 (applicable to community college districts), the Supreme Court of California's decision in *California School Employees Assn. v. Governing Board* (1994), 8 Cal. 4th 333, and other legal authorities.

That said, there may be districts that have negotiated more expansive ("day of mourning") holiday language. Depending upon the specific language and past practice, obligations may differ. Districts should carefully review language pertaining to holidays in collective bargaining agreements and discuss the holiday issue with their legal counsel.

PRACTICE AREAS

- Labor, Employment and Personnel