

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

House Bill 83

(Delegate Branch, *et al.*)

Health and Government Operations

Education, Health, and Environmental
Affairs

State Holiday - American Indian Heritage Day

This bill designates the Friday after Thanksgiving Day as American Indian Heritage Day and adds it to the list of State legal and employee holidays. The Friday after Thanksgiving Day, already a State employee holiday, is designated as American Indian Heritage Day.

Fiscal Summary

State Effect: The designation of American Indian Heritage Day would not result in additional State personnel expenditures, as the Friday after Thanksgiving Day is already designated as an employee holiday. Potential minimal increase in public work contract expenditures due to prevailing wage overtime requirements for legal holidays.

Local Effect: The bill would not directly affect local finances or operations, as local governments are not required to grant leave to their employees as a result of the bill. Potential minimal increase in public work expenditures due to prevailing wage overtime requirements for legal holidays.

Small Business Effect: None.

Analysis

Current Law: The State of Maryland recognizes 15 legal holidays and 12 State employee holidays, as identified in **Exhibit 1**. In addition, State law establishes the following holiday provisions:

- Transportation Service: The day after Thanksgiving is not recognized as a holiday in the Transportation Service, though employees are authorized to use holiday leave for all days designated by the Governor as holidays for State employees.
- Public school holidays: The day after Thanksgiving is currently recognized as a public school holiday.
- Mandatory bank holidays: The day after Thanksgiving is not recognized as a mandatory bank holiday. Any legal holiday that is not designated as a mandatory bank holiday is considered an optional bank holiday.
- Prevailing wage rates for public work contracts: A contractor is required to pay an employee the prevailing wage rate of overtime for each hour that the employee works on a legal holiday.

In general, a State employee who is required to work on an employee holiday receives compensatory time for that work. An employee not scheduled to work on an employee holiday, but otherwise required to work on that day, is eligible for compensation at the regular hourly rate of pay plus time and one-half pay for the number of holiday hours worked, provided that the employee is eligible to receive cash overtime (*i.e.*, an employee in a 24-hour facility called to report on an employee holiday may be entitled to regular compensation plus overtime pay).

Exhibit 1
State of Maryland Legal and State Employee Holidays

<u>Holiday</u>	<u>Legal</u>	<u>Employee</u>
New Year's Day	✓	✓
Dr. Martin Luther King, Jr.'s Birthday	✓	✓
Lincoln's Birthday	✓	
Washington's Birthday/President's Day	✓	✓
Maryland Day	✓	
Good Friday	✓	
Memorial Day	✓	✓
Independence Day	✓	✓
Labor Day	✓	✓
Defender's Day	✓	
Columbus Day	✓	✓
Veterans' Day	✓	✓
Thanksgiving Day	✓	✓
Day After Thanksgiving		✓
Christmas Day	✓	✓
Statewide General Election Day	✓	✓

Note: In addition to these recognized holidays, "legal holiday" and "employee holiday" also include each day the U.S. President or Governor designate for general cessation of business.

Background: In 1990, former President George H.W. Bush approved a Joint Resolution of Congress designating November as National American Indian Heritage Month, a designation that has since been made each year since 1994.

In November 2007 the U.S. House of Representatives passed House Joint Resolution 62, the Native American Heritage Day Act of 2007. Among other findings, the resolution stated that many of the nation's principles of free speech and separation of government reflected the long-standing practices of tribal governments. The resolution recognized the contributions Native Americans have made as artists, athletes, and scholars and emphasized the importance of the relationship between the United States and Native American governments. Educational institutions were encouraged to develop curricula to commemorate the contributions of the Native American people, with the public urged to celebrate the holiday with programs, ceremonies, and activities. The U.S. Senate has not taken action on the resolution.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): City of Havre de Grace, City of Frederick, Baltimore City, Caroline County, Howard County, Montgomery County, Prince George's County, Morgan State University, University System of Maryland, Department of Budget and Management, Department of Legislative Services

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