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# Holidays

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Dear Reader:

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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# Holidays

Reference Number: CTAS-178

By state statute, T.C.A. § 15-1-101, the General Assembly has established certain days as legal holidays in Tennessee:

January 1; the third Monday in January, "Martin Luther King, Jr. Day"; the third Monday in February, known as "Washington Day"; the last Monday in May, known as "Memorial" or "Decoration Day"; June 19, known as "Juneteenth"; July 4; the first Monday in September, known as "Labor Day"; the second Monday in October, known as "Columbus Day"; November 11, known as "Veterans' Day"; the fourth Thursday in November, known as "Thanksgiving Day"; December 25; and Good Friday; and when any one (1) of these days falls on Sunday then the following Monday shall be substituted; and when any of these days falls on Saturday, then the preceding Friday shall be substituted; also, all days appointed by the governor or by the president of the United States, as days of fasting or thanksgiving, and all days set apart by law for holding county, state, or national elections, throughout this state, are made legal holidays, and the period from noon to midnight of each Saturday which is not a holiday is made a half-holiday, on which holidays and half-holidays all public offices of this state may be closed and business of every character, at the option of the parties in interest of the same, may be suspended.<sup>[1]</sup>

The Tennessee Attorney General has opined that the only days that county offices are authorized to close are those listed in the statute.<sup>[2]</sup> Closing county offices on days other than legal holidays can result in serious consequences. For example, in the case of *Wright v. Blalock*,<sup>[3]</sup> a clerk of court closed the clerk's office on the day after Thanksgiving, which is not a legal holiday, and a litigant was unable to file a notice of appeal that was due on that date, and the court refused to extend the time for filing the notice of appeal.

The Attorney General has opined that which of the listed legal holidays a particular county observes is to be determined under policies adopted pursuant to the County Personnel Law, codified at T.C.A. § 5-23-101 *et seq.*<sup>[4]</sup> The policies should state which days will be observed as holidays for each county office, what happens if a holiday falls on a weekend, and any special pay and/or time off provisions the employer may want to adopt for employees who are required to work on a holiday.

The observance of religious holidays can trigger a duty to accommodate employees who do not celebrate these occasions or who celebrate other religious holidays. Reasonable accommodations should be made when possible for those employees who observe other religious holidays. Whether reasonable accommodations can be made often depends upon the hardship created on the conduct of the employer's business. For more on religious accommodation, see Religious Discrimination.

## Veteran's Day

Pursuant to T.C.A. § 15-1-105, an employer is required to allow veteran employees to have the entirety of November 11, Veterans' Day, as a non-paid holiday if: (1) the veteran employee provides the employer with at least one-month's written notice of the veteran employee's intent to have the entirety of that day as a non-paid holiday; (2) the veteran employee provides the employer with proof of veteran status, which may include, but is not limited to, a DD Form 214 or other comparable certificate of discharge from the armed forces; and (3) the veteran employee's absence, either alone or in combination with other veteran employee's absences, on that day will not impact public health or safety, or cause the employer significant economic or operational disruption as determined by the employer in the employer's sole discretion.

This law does not prohibit an employer from allowing the employer's veteran employees to have the entirety of Veterans Day as a paid holiday. T.C.A. § 15-1-105.

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[1] T.C.A. § 15-1-101.

[2] Op. Tenn. Att'y Gen. U87-77 (July 28, 1987), U97-005 (February 6, 1997), and 98-058 (March 9, 1998). However, county offices are not required to remain open on "half-holidays" and each elected official may decide whether to open on those days. Op. Tenn. Att'y Gen. 81-146 (March 9, 1981).

[3] 1986 WL 5033 (Tenn. Ct. App. April 30, 1986).

[4] Op. Tenn. Atty' Gen. 98-058 (March 9, 1998).

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