

JUNETEENTH HOLIDAY

- Aquinnah: Treasurer is on vacation
- Edgartown : no response yet
- Oak Bluffs: Yes we are. It is being requested by negotiations at this time but we already have existing language that includes any Town or State declared holiday.
- Tisbury: no response yet
- Chilmark no response yet

Some guidance from the Town Administrator in Halifax.

Municipal offices have to be closed. However, there is no requirement that employees get a paid holiday.

Here's some information I posted in October:

Chapter 124 of the Acts of 2020 made changes in MGL Chapter 4, Section 7, Clause 18, adding "June nineteenth" between the words "January first" and "July fourth"

It now reads:

"Legal holiday" shall include January first, **June nineteenth**, July fourth, November eleventh, and Christmas Day, or the day following when any of said days occurs on Sunday, and the third Monday in January, the third Monday in February, the third Monday in April, the last Monday in May, the first Monday in September, the second Monday in October, and Thanksgiving Day. "Legal holiday" shall also include, with respect to Suffolk county only, Evacuation Day, on March seventeenth, and Bunker Hill Day, on June seventeenth, or the day following when said days occur on Sunday; provided, however, that all state and municipal agencies, authorities, quasi-public entities or other offices located in Suffolk county shall be open for business and appropriately staffed on Evacuation Day, on March seventeenth, and Bunker Hill Day, on June seventeenth, and that section forty-five of chapter one hundred and forty-nine shall not apply to Evacuation Day, on March seventeenth, and Bunker Hill Day, on June seventeenth, or the day following when said days occur on Sunday

The law on closing public/municipal offices for legal holidays is MGL Chapter 136, Section 12.

Under state law, a "specific date holiday" (New Year's Day, Independence Day) that falls on Sunday is observed on Monday. However, a "specific date holiday" that falls on Saturday is observed on Saturday.

Various municipalities may have, in their by-laws/ordinances/contracts, provisions that state that a Saturday holiday will be observed on day before (Friday).

Also, each municipality may have written sections in their by-law/ordinances/contracts about what days constitute holidays. One town may have a specific list based on Chapter 4, Section 7, Clause 18 but not referencing it. Another may include the current list but also reference the law [I remember a highway contract in another community that specified that any national day of mourning was a day off - there was a year that a former President died and there was an additional day of mourning for victims of the bombing in Oklahoma City and the highway employees (but no one else) received both days off with pay]. Another might do have one or both but also have other holidays such as "Christmas Eve" or "Thanksgiving Friday" that are not covered under State statute.

So, right now, municipal offices have to be closed on June 19 or if June 19 falls on a Sunday, on Monday, June 20.

What the pay situation will be will probably depend on the exact language of those by-laws/ordinances/contracts.

Do employees who work in the offices/departments that are normally closed get paid for Juneteenth?

Do employees who work schedules that normally overlap holidays, such as fire and police, get holiday pay? Time-and-half? Double time?

What about employees scheduled to come in for a few hours such as water/sewer employees checking on plants and equipment? What about call-ins?

Note: MGL Chapter 6, Section 15BBBBB simply instructed the Governor to issue a proclamation. It had no specific effect on commercial and/or municipal activities and the change via Chapter 124 changes when the Governor issues the proclamation and nothing else.

As always, talking with counsel may be advised.

Juneteenth Holiday survey

South Hadley: We have added it to our list of paid holidays for town employees. Given that it is a Saturday next year we will observe on Friday.

North Andover - We will extend it to non-Union and have not received proposals from Unions....yet.... I am sure they will be coming

Nantucket: We have received union proposals to recognize holiday. We also have some CBA's that automatically recognize a new State holiday. Our opinion is that it is an across the board acceptance of the holiday, but the details of how that is communicated and rolled out are not yet finalized. We are also measuring budget impact for FY21 for departments with employees who work holidays.

Fall River: In Fall River we want to possibly do holiday on Friday or Monday.

Dighton: We had one open negotiation when the proclamation came out this summer and they were asking about it. I said that if it were a holiday as declared through HRD that we would basically treat ALL employees the same, regardless of Union affiliation. Now that that is the case, I have to discuss it with the Board members, but I'm assuming Town offices and functions would be closed and police/fire would end up getting holiday pay benefits. This last bit is what I'm particularly concerned about.

Northampton: We aren't doing anything...they can ask for it at the next negotiations if they want. Until then it's a regular day.

Hadley: Unions can propose at the next negotiations. For non-union, Policy Manual says Saturday holidays are observed on Friday. The Town offers one floating holiday for non-union, and it could designate Juneteenth as that floater.

Acton: Not in Acton or future plans as of this date.

Wayland: We are seeing a request for the holiday. So far we are not adding it to our list.

Halifax: My guess is that Halifax will close its buildings that are normally open to the public on Saturday, June 19 (Library). Under State law, Saturday holidays are observed on Saturday unlike Sunday holidays which are observed on Monday. The Wage and Personnel by-law (non-union) does not include Juneteenth. Annual town meeting on May 10, 2021 could revise it. State law does not require municipalities to pay for the holiday so that will be a subject of discussion. If no Town Meeting change, the Library would close and employees would have the day off without pay. Only 1 of 5 Unions has brought it up. There's no question that employees would have the day off but none of the employees in the unit work on Saturday. That will leave the question of whether the Town will pay them for the holiday as the language in all the union contracts has a specific list without reference to the State list so it is not automatic that the Town will pay for the holiday. I'm not sure if it will pass muster, **but I'd be happy to offer the eight hours of pay in return for certification/documentation that the employee spent at least eight hours that weekend (or week) volunteering for an entity that promotes racial equality. Sort of a "walk the walk" provision.**

Stow, Sudbury, Milton, Beverly, East Bridgewater, Fairhaven, Hingham, Newton, Wilbraham, Charleton, Belmont, Monterey, Westwood: still trying to decide how best to handle it.

Part I ADMINISTRATION OF THE GOVERNMENT

Title II EXECUTIVE AND ADMINISTRATIVE OFFICERS OF THE COMMONWEALTH

Chapter 6 THE GOVERNOR, LIEUTENANT GOVERNOR AND COUNCIL, CERTAIN OFFICERS UNDER THE GOVERNOR AND COUNCIL, AND STATE LIBRARY

Section JUNETEENTH INDEPENDENCE DAY

15BBBBB

Section 15BBBBB. The governor shall annually issue a proclamation setting apart the nineteenth of June as Juneteenth Independence Day, to be observed on the Sunday that is closest to June 19th of each year, in recognition of June 19, 1865 when Union General Gordon Granger announced freedom for all slaves in the Southwestern United States and in recognition of the end of slavery in the United States as well as the significant contributions, individuals of African decent have made to the commonwealth and to the United States and recommending that said day be observed in an appropriate manner by the people.