

NSB - 1002

AN ACT

To

Designate certain dates as national holidays and to provide for mandatory paid time off or other compensation to workers on such dates.

Introduced
July 24, 2024

By Senator Rider Blanchard

Be it enacted by the National Senate of the Republic of Soundland,

Section 1: Short Title:

This Act shall be cited as the “National Holidays Act”.

Section 2: Definitions

In this Act:

- (a) “National holiday” means a legal public holiday;.
- (b) “Employee” means an individual who is employed by an employer to do any work for hire or reward under a contract of service within the Republic of Soundland or by an employer based in Soundland, irrespective of their employment type.
- (c) “Employer” means a legal person employing an employee as defined under this act.
- (d) “Soundland Armed Forces” means the Army, the Navy and the Air Force collectively; and includes any branch, corps, command, formation, unit, or other part of the Armed Forces of Soundland, but does not include those

contracting for such, or those otherwise under employment of such as a civilian.

Section 3: National Holidays

The following days shall be national holidays:

- (a) “New Year’s Day”, on January 1.
- (b) “COVID-19 Remembrance Day”, on March 11.
- (c) “International Workers Day”, on May 1.
- (d) “Cascadia Day”, on May 18.
- (e) “Election Day”, on the third Friday of May every year, and, in addition, the third Friday of June in odd-numbered years.
- (f) “Presidents Day”, on July 7.
- (g) “Independence Day”, on August 2.
- (h) “Indigenous People's Day”, on the second Monday of October.
- (i) “International Human Rights Day”, on December 10.
- (j) “Winter Solstice”, on the day that has the least amount of daylight in a calendar year in the northern hemisphere of earth.

Section 5: Paid Time Off on National Holidays

- (a) Notwithstanding Section 6 and 9, all employees shall be entitled to paid time off, of which their payment shall be equivalent to their full regular daily pay on a national holiday.
- (b) An employer may use an employee’s average daily pay for the purposes of calculating payment for a national holiday if:
 - (i) it is not possible or practicable to determine an employee’s regular daily pay; or
 - (ii) the employee’s daily pay varies within the pay period when the holiday or leave falls.
 - (1) the calculation of average daily pay shall be based on the following formula: the employee’s gross earnings for the 40 calendar weeks before the end of the pay period immediately before the calculation is made, divided by the number of whole or part days during which the employee earned those gross

earnings, including any day on which the employee was on a paid holiday or paid leave; but excluding any other day on which the employee did not actually work.

- (iii) the regular daily pay of an employee includes the cash value of any board or lodgings provided by an employer to the employee.
- (iv) If the employee has worked for less than 40 calendar weeks, the employer shall determine the calculation based on the total amount of weeks they have worked before the end of the pay period immediately before the calculation is made.

Section 6: Compensation for Work on National Holidays

- (a) An employee may work on a national holiday if they have consented to such in their employment agreement with their employer.
- (b) If an employee works (in accordance with their employment agreement) on any part of a national holiday, the employer must pay the employee their regular daily pay or average daily pay (as defined in Section 5) plus half that amount.
- (c) Alternatively to providing pay and a half, the employer may provide an alternate holiday to the employee if agreed to by the employee.
- (d) If an employee is on call on a national holiday and is called to work, the employer shall provide an alternate holiday to the employee, regardless of the amount of work on the holiday.

Section 7: Alternate Holidays When an Employee Would Not Otherwise be Working on a National Holiday

- (a) If a national holiday falls upon a day that would not otherwise be a working day for an employee, Sections 5 and 6 shall apply to the next working day for that employee.
- (b) Alternatively, the employer may provide additional days of optional time off in a calendar year equivalent to the number of days that national holidays in that calendar year fall on a day that would not otherwise be a non-working day for the employee.

Section 8: Relation with Employer Agreements

- (a) This act does not prevent an employer from providing an employee with enhanced or additional entitlements (whether specified in an employment agreement or otherwise) on a basis agreed with the employee.
- (b) The employer shall make it clear to the employee what type or types of compensation they will provide under their employment agreement in regards to Section 6 and Section 8.

Section 9: Exemption of the Armed Forces

Sections 6 through 8 of this act shall not apply to the Soundland Armed Forces as defined in this act.