



HOLIDAYS

OVERVIEW OF LEGAL & LOCAL HOLIDAYS

R.S. 1:55, et seq

I. Legal Holidays

In Louisiana, a “legal holiday” is not simply synonymous with “a day a public office chooses to close.” The term has statutory meaning, and the applicable definition depends on the legal context.

The principal statute is [R.S. 1:55](#), entitled “*Days of public rest, legal holidays, and half-holidays.*” The statute expressly identifies certain days as “days of public rest” and “legal holidays” throughout the State. These include, among others, Sundays, New Year's Day, Martin Luther King, Jr. Day, Mardi Gras, Good Friday, Memorial Day, Independence Day (July 4th), Labor Day, Veterans Day, Thanksgiving, and Christmas. The Legislature also separately provides that Juneteenth Day is a day of public rest and a legal holiday under [R.S. 1:55.1](#).

A “legal holiday” affects legal deadlines, prescription, elections, court matters, and so forth. R.S. 1:55(B) specifically addresses how legal holidays are observed by State departments and empowers the Governor to declare certain other days, such as Acadian Day (the day after Thanksgiving), as holidays **“as he may deem in keeping with efficient administration.”** The statute also specifically addresses courts, clerks of court, banks, schools, and other public and private entities.

Other provisions in the statute provide that local governing authorities may declare certain “legal holidays” within their jurisdiction. For example, [R.S. 1:55\(A\)\(4\)](#) specifically provides that when Christmas, New Year's Day, or July 4th falls on a Saturday, **“the preceding Friday is a holiday when the governing authorities so declare by ordinance.”** Further, the law expressly gives certain local governing authorities discretion concerning additional holidays, including the authority granted to certain parish and municipal governing authorities to declare Mardi Gras a “legal holiday” by ordinance.

Therefore, reading [R.S. 1:55](#) as a whole, a “legal holiday” is created by statute and applies statewide unless a local option is created within the statute itself. The application of a “legal holiday” goes beyond administrative decisions to close offices and/or provide paid leave to employees. It affects legal deadlines, court matters and the like. Further, it appears that a Louisiana political subdivision must have statutory authority to declare any day not enumerated in paragraph (A)(1) of the statute as a “legal holiday” within their jurisdiction.

II. Scheduled Closures or “Local Holidays”

Generally, a local governing authority, other than clerk of courts,¹ may set its own policies of operation, including establishing office hours, creating employee work schedules and providing for scheduled closures. This authority comes primarily from the governing authority's power to manage its own government and its employees.

For parishes, that authority is generally found in [R.S. 33:1236](#) which expressly gives parish governing authorities the power “[t]o **make regulations for their own government,**”² as well as “[t]o **enact ordinances defining parish employees and delineating the rights, duties, and privileges of parish employees.**”³ It appears that if a parish police jury or council declares, for example, that parish offices will close at noon on the Wednesday before Thanksgiving and parish employees will be released with pay, this is an administrative decision concerning parish hours of operation and is a benefit of employment. This may be done through a specific ordinance or through general policies adopted by ordinance. While such scheduled closures may be considered a “local holiday,” this is not the parish declaring the Wednesday before Thanksgiving a “legal holiday,” which has consequences beyond office closures and employee leave.

The governing authority (board of alderman) in a Lawrason Act municipality has broad authority over the municipality's administration as well.⁴ However, [R.S. 33:404\(A\)\(1\)](#) specifically gives the mayor the power and duty “[t]o **supervise and direct the administration and operation of all municipal departments, offices, and agencies . . .**”⁵ Therefore, in a Lawrason Act municipality it appears that the board of alderman may adopt an ordinance or resolution establishing scheduled closures of municipal offices in connection with a holiday, such as the Wednesday before Thanksgiving. However, it also appears that if the mayor closes the municipal offices early on the Wednesday before Thanksgiving such an action is aligned with the mayor's administrative authority under [R.S. 33:404\(A\)\(1\)](#), assuming no ordinance, personnel rule, civil service rule or other state law prohibits it. In either case, scheduled closures should be addressed by the municipality's employment and leave policies.

¹ Hours of operations for clerks of court are set by [R.S. 13:756](#) and holidays for clerks of court are specifically provided for in [R.S. 1:55\(E\)](#).

² See [R.S. 33:1236\(1\)](#).

³ See [R.S. 33:1236\(51\)](#).

⁴ See [R.S. 33:361](#) and [R.S. 33:362](#).

⁵ In cases where there is an elected police chief, this power and duty would not extend to the police department.

Parishes and municipalities operating under a home rule charter should also review any applicable charter provisions. Any such provisions may provide specific authority or limitations governing scheduled office closures and employee benefits.

School boards also have general administrative authority to control the school-year calendar for the schools under their jurisdiction, as long as statutory minimum instructional time is met. [R.S. 17:154.1\(C\)](#). Further, [R.S. 17:81\(C\)](#) provides that “[e]ach city or parish school board is authorized to make such rules and regulations for its own government, not inconsistent with law or with the regulations of [BESE], as it may deem proper.” As with other local political subdivisions, school boards have the administrative authority to provide for scheduled office closures and create employee pay plans and benefits.

Therefore, scheduled office closures, or “local holidays,” are generally within the local governing authority's administrative powers, unless a particular statute requires that office to remain open or establishes mandatory hours, as with clerks of court. Likewise, giving employees paid leave for these scheduled closures is generally permissible as an employment/pay-plan matter, subject to relevant civil-service requirements, or other applicable laws. Further, the policies of local governing authorities should address the application of scheduled office closures, or “local holidays,” to essential personnel, including police officers, firefighters, water or wastewater operators and/or other emergency personnel.

III. Article 7, Section 14 of the Louisiana Constitution

As with any benefit of employment provided to public employees, such benefit must be permissible and reasonable under Art. 7, §14 of the Louisiana Constitution (1974). This constitutional article prohibits the donation of public funds. Louisiana law has long recognized that vacations with pay, whether in private industry or government service, rejuvenate employees and result in employees performing their work with energy and efficiency upon return to the workplace. AG Op. No. 94-336 (citing AG Op. No. 42-44).

The Attorney General has further opined, that while Art. 7, §14 of the constitution prohibits the donation of public funds, **“it does not prohibit the lawfully recognized compensation for labor or service provided in the course of employment.”** AG Op. No. 94-336. Further, employee benefits such as annual and sick leave, **“in this context are not considered donations to the extent they are fulfillments of implied or express conditions of the employment contract.”** *Id.*

The Attorney General concludes that while a paid leave policy can create legal entitlement to benefits, it must be consistently implemented to do so. AG Op. No. 94-336. This principle applies whether the employee benefit is through a formal ordinance or a consistent executive policy and may be established for both full and part-time employees, as well as salaried or hourly employees. *Id.* (citing AG Op. No. 90-358).

Therefore, in order to ensure compliance with Article VII, §14, it is recommended that paid leave for holidays (legal or local) be done through formal written policies that are prospectively applied following adoption.

IV. Conclusion

Louisiana Revised Statute 1:55 governs the designation and legal consequences of statutory “legal holidays.” It does not limit a local political subdivision's authority to determine its own office hours and employee leave policies. A local governing authority exercising its independent governmental and personnel authority may therefore establish a scheduled closure, or “local holiday,” provided no other law requires the office to remain open and the compensation/leave arrangement is otherwise lawfully authorized. Further, a local governing authority’s action to establish such scheduled closures with paid leave to its employees does not create a “legal holiday” under [R.S. 1:55](#).

V. Attorney General Opinions

Clerks of Court

[AG Op. No. 95-505](#) - The Attorney General opines that the office hours of clerks of court are set by R.S. 13:756. This statute allows clerks’ offices to be closed only on legal holidays as specifically defined in [R.S. 1:55\(E\)](#). Therefore, those legal holidays declared by the Governor pursuant to [R.S. 1:55\(B\)](#) are only applicable to the clerks of court if those days are enumerated holidays under [R.S. 1:55\(E\)](#). See also AG Op. Nos. 87-28, 84-449, 84-105, 81-1061 and 77-1171.

Parish

[AG Op. No. 14-0084](#) - The Attorney General opines that only the parish governing authority has the authority to declare holidays for parish employees, not the parish president. However, the parish president does retain the authority to close parish offices during emergency situations described in [R.S. 29:727](#).

Municipality

AG Op. No. 99-232 – The Attorney General opines that the municipal governing authority has within its discretion the authority to declare police employees’ birthdays to be a holiday for purposes of additional compensation granted by R.S. 33:2214.1. See also, AG Op. No. 81-1236.

AG Op. No. 79-1480 – The Attorney General opines that the mayor and board of alderman of a Lawrason Act municipality have the power to declare Christman Eve a holiday for municipal employees.

School Boards

AG Op. No. 84-449 – The Attorney General opines that RS 1:55(B)(3), which grants the Governor the authority to declare “**such other holidays and half-holidays as he may deem in keeping with efficient administrations,**” extends to State employees only. The authority to declare “such other holidays and half-holidays” for employees of local school boards belongs to each of those school boards.