

HR Insights

What You Need to Know About Holidays and Holiday Pay

To all our clients, subscribers, and friends, we wish you a very happy summer season! This issue of *HR Insights* provides a summary of Massachusetts and federal laws regarding holidays and holiday pay in Q&A format.

Q1. What are the MA and federal holidays?

The table below lists the MA and federal holidays and when observed for the rest of 2025 and 2026. If a holiday is not checked in the Federal column, it is not a federal holiday.

Holiday	Date	MA	Federal
Remaining 2025 Holidays			
Memorial Day	M 5/26/25	✓	✓
Juneteenth	TH 6/19/25	✓	✓
Independence Day	F 7/4/25	✓	✓
Labor Day	M 9/1/25	✓	✓
Indigenous People's Day	M 10/13/25	✓	✓
Veterans Day	TU 11/11/25	✓	✓
Thanksgiving Day	TH 11/27/25	✓	✓
Christmas Day	TH 12/25/25	✓	✓
2026 Holidays			
New Year's Day	TH 1/1/26	✓	✓
MLK Jr.'s Birthday	M 1/19/26	✓	✓
Washington's Birthday/ Presidents Day	M 2/16/26	✓	✓
Patriots Day	M 4/20/26	✓	
Memorial Day	M 5/25/26	✓	✓
Juneteenth	F 6/19/26	✓	✓
Independence Day	F 7/3/26	✓	✓
Labor Day	M 9/7/26	✓	✓
Indigenous People's Day	M 10/12/26	✓	✓
Veterans Day	W 11/11/26	✓	✓
Thanksgiving Day	TH 11/26/26	✓	✓
Christmas Day	F 12/25/26	✓	✓

Note: Two additional state holidays not listed in the above table are: Evacuation Day and Bunker Hill Day, which are observed in Suffolk County/Boston only.

Q2. Am I required to close my business on holidays?

It depends. Federal holidays are observed by the U.S. government. Most government offices and banks are closed on federal holidays.

Q3. On what MA holidays must a MA public employer be closed?

MA Public employers must close on all the state holidays listed in the table in Q1. Special rules apply to Evacuation Day and Bunker Hill Day, however.

Q4. As a private employer, can I open for business on a MA holiday?

The MA Blue Laws control which private employers can open for business on Sundays and some state holidays. Various retail and non-retail businesses are [allowed](#) to operate on these days, but some must abide by the so-called voluntariness of employment provisions meaning that employees can volunteer to work on these days but the employer cannot require them to work.

Special rules also apply to factories and mills and to the sale of alcoholic beverages. If any business falls within one of the [55 exemptions](#) that allow work on Sundays, it may also operate on most legal state holidays. For example, restaurants, pharmacies, and hotels may operate on Sundays and holidays.

Q5. What MA requirements apply to a non-retail establishment?

In general, most non-retail businesses may open on the following holidays without a permit or restrictions:

- New Year's Day
- Martin Luther King Day
- Presidents Day
- Patriots Day
- Juneteenth Independence Day
- Indigenous Peoples Day after 12:00 noon
- Veterans Day after 1:00 p.m.

HR Insights

Most non-retail businesses cannot operate on any other holidays, unless they fall within one of the exemptions in M.G.L. c. 136, secs. 4, 6 and/or 14. See also M.G.L. c. 140, sec. 181.

Q6. What requirements apply to a retail establishment?

A retail establishment must obtain a permit from the local police chief to open for business on the following restricted holidays:

- Indigenous People's Day before 12:00 pm*
- Veterans Day before 1:00 pm*
- Thanksgiving Day
- Christmas Day

Work can be performed without a permit on the following **unrestricted holidays**.

- Martin Luther King Jr.'s Birthday
- Presidents Day
- Patriots Day

Work may also be performed without a permit on the following **partially restricted holidays**. In general, the voluntary employment requirements apply, however.

- New Year's Day
- Memorial Day*
- Juneteenth Independence Day*
- Independence Day*
- Labor Day*
- Indigenous Peoples Day after 12:00 noon
- Veterans Day after 1:00 p.m.

Q7. What requirements apply to manufacturers?

Manufacturers may open for business without a permit on the following **unrestricted holidays**.

- New Year's Day
- Martin Luther King Day
- Presidents Day

- Patriots Day
- Juneteenth Independence Day
- Indigenous Peoples Day after 12:00 noon
- Veterans Day after 1:00 p.m.

Manufacturers cannot open for business on the following **restricted holidays** unless they obtain a permit from the local police.

- Memorial Day
- Independence Day
- Labor Day
- Indigenous Peoples Day before 12:00 noon
- Veterans Day before 1:00 p.m.
- Thanksgiving Day
- Christmas Day

Although manufacturers may open for business on holidays (assuming permits are obtained when necessary), employees do not have to work on those days with one limited exception. They can require work on holidays only when the work is absolutely necessary **and** can lawfully be performed on Sunday.

Q8. Must we pay employees for holidays they do not work?

The Fair Labor Standards Act (FLSA) does not require employers to pay nonexempt employees for time not worked, including holidays. Paid holidays are viewed as a benefit under an agreement between an employer and employees (or their representatives). Similarly, nothing in MA law requires private employers to give employees paid time off for any holiday. However, see Q10 regarding making deductions from an exempt employee's pay for a holiday not worked.

Q10. May we reduce an exempt employee's salary for a holiday they are not yet eligible for?

No. Reducing an exempt employee's salary for a holiday observed by the employer would violate the FLSA salary requirement. FLSA allows employers to dock an exempt

HR Insights

employee's pay for a work week under very limited and specific circumstances, and holidays are not one of them. Docking an exempt employee's salary for a holiday not worked would place the employer at risk for losing the employee's exempt status.

Q11. Were the MA premium pay requirements phased out?

Yes. The premium pay requirements for employees working on Sundays and certain holidays were phased out and eliminated as of January 1, 2023.

Please note that an employer is still responsible for paying overtime at 1.5 times a nonexempt employee's regular rate of pay for all hours worked more than 40 during a workweek. For example, if an employee works five hours on a Sunday and those hours represent overtime (having already worked 40 hours that week), the employee must receive overtime pay at 1.5 times their regular rate of pay for 5 hours.

YOUR HR RESOURCE PARTNER FOR ACHIEVING BUSINESS SUCCESS

IMPORTANT NOTE: *HR Insights* is for informational purposes only. While we hope that our readers find this issue of *HR Insights* of great value, it is not legal advice or opinion and is not a substitute for legal advice.