



HOLIDAY EMPLOYMENT LAWS

By: Lee R. Hansen, Associate Analyst

KEY STATUTES

Laws prohibiting Thanksgiving and Christmas openings:

- [ME Rev. Stat., Title 17, §3204](#)
- Mass. Gen. Laws [ch. 4, §7](#) and [ch. 136, §6](#)
- [RI Gen. Laws §5-23-2](#)

Laws requiring premium pay for working on a holiday:

- [Mass. Gen. Laws ch. 136 §13](#)
- RI Gen. Laws §§5-23-2 and [25-3-3](#)

QUESTIONS

Which other states (1) prohibit businesses from opening on holidays, particularly Thanksgiving, or (2) impose restrictions or requirements for employees working on holidays.

SUMMARY

We found three other states, Maine, Massachusetts, and Rhode Island, that prohibit certain businesses from opening on specific holidays, such as Thanksgiving or Christmas.

Massachusetts and Rhode Island also impose certain restrictions and requirements for employees who work on holidays. Both states generally prohibit employers from requiring their employees to work on holidays

and penalize employers that discharge, discriminate against, or penalize employees for refusing to work on a holiday. They also require employees working on holidays to be paid wages that are at least one-and-one-half times their regular rates. Both states allow for numerous exceptions to these requirements, which generally apply to "nonexempt" employees (i.e., those who are covered by the federal Fair Labor Standards Act; typically workers paid by the hour who are not administrative, executive, or professional employees).

Except for Massachusetts and Rhode Island, none of the other states prohibit employers from requiring their employees to work on a holiday. Nor do any of the other states require their employers to pay employees premium pay for working on holidays, unless the work qualifies the employee for overtime under the state's standard overtime laws. In general, if an employer chooses to provide either paid or unpaid holiday leave, or premium pay for holiday work, it must comply with the terms of its established policy or employment contracts.

Connecticut law generally prohibits certain businesses from engaging in work or business, or from employing others for work or business, on New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving, and Christmas (CGS § [53-303b](#)). However, the law is based on another statute that generally prohibits the same businesses from engaging in work or business, or from employing others for work or business, on Sundays (CGS § [53-302a](#)). This law was found unconstitutional by the state Supreme Court in *Caldor's Inc. v. Bedding Barn, Inc.* (177 Conn. 304 (1979)). Although the Court's decision in *Caldor's* did not specifically address work on holidays, it is unclear how the Court would rule on a challenge to CGS § [53-303b](#)'s validity. For additional information on the *Caldor's* decision, see OLR Report [2002-R-0063](#).

MAINE

Maine's law generally prohibits businesses from opening on Memorial Day, July 4th, Labor Day, Veteran's Day, Thanksgiving, and Christmas ([ME Rev. Stat., Title 17, § 3204](#)). It exempts numerous types of business from the prohibition, such as taxicabs, hotels, restaurants, pharmacies, public utilities, movie theaters, stores with fewer than six employees, and stores with fewer than 5,000 square feet of interior customer selling space. The law, however, specifically prohibits stores with more than 5,000 square feet of interior customer selling space from opening on Easter, Thanksgiving, or Christmas under any circumstances.

Complaints alleging a violation of the law must be filed within five days of the alleged violation. A violation is a [Class E crime](#) punishable by up to six months imprisonment and a \$1,000 fine. The state's attorney general, a district attorney, or any resident of a town in which a violation is alleged can also seek injunctive relief through the state's courts.

MASSACHUSETTS

Massachusetts' law recognizes numerous legal holidays and specifies what types of businesses can open and under what circumstances for each holiday. For certain holidays, it requires an employer to pay a premium rate of pay and prohibits employers from requiring employees to work on that day.

Retail

The state's law prohibits most retail stores from opening on Thanksgiving and Christmas, although certain stores, such as small convenience stores, gas stations, and florists can open on those holidays ([Mass. Gen. Laws ch. 4, § 7](#); [ch. 136, § 6](#)). In addition, retail stores cannot open before noon on Columbus Day or before 1:00 p.m. on Veterans Day unless the store receives approval from the state's Division of Occupational Safety and obtains a local police permit ([Mass. Gen. Laws ch. 136 §15](#)).

If retail stores open on certain holidays, Massachusetts law also requires them to meet requirements for employee pay and protects employees who choose not to work. When open on Columbus Day, Veterans Day, or New Year's Day, retail stores must pay their nonexempt employees (i.e., those who are covered by the federal Fair Labor Standards Act) at least one and one-half times their regular rate of pay for working on that day ([Mass. Gen. Laws ch. 136 § 13](#)). These employees cannot be required to work on these holidays and any retail employer who discharges, dismisses, discriminates against, reduces work hours, or otherwise penalizes an employee for refusing to work on these holidays can be fined up to \$1,000 ([Mass. Gen. Laws ch. 149 § 180A](#)).

Retail employers with more than seven employees must also pay nonexempt employees at least time-and-a-half rates on Memorial Day, Labor Day, and July 4th ([Mass. Gen. Laws ch. 136 § 16](#)). As on the other holidays, the employer cannot require employees to work on these holidays or penalize them for refusing to work.

The state has no restrictions for operating on Martin Luther King Day, Presidents' Day, or local holidays such as Evacuation Day, Patriots' Day, and Bunker Hill Day.

Manufacturing

Massachusetts allows manufacturers to operate on holidays, but generally requires them to obtain a permit from their local police department to operate on Memorial Day, July 4th, Labor Day, Columbus Day before noon, Veterans Day before 1:00

p.m., Thanksgiving, and Christmas. If the manufacturer is granted the permit and operates on these holidays, it cannot require any employees to work on them ([Mass. Gen. Laws ch. 149 § 45](#)). No premium pay is required.

For additional information on Massachusetts' laws see:

<http://www.mass.gov/ago/doing-business-in-massachusetts/labor-laws-and-public-construction/wage-and-hour/sunday-and-holiday-openings.html>, and <http://www.mass.gov/lwd/labor-standards/dls/mass-blue-laws/>.

RHODE ISLAND

Rhode Island law generally requires retail establishments to obtain licenses to open on holidays from their appropriate town councils. However, the councils cannot issue licenses to open on Christmas or Thanksgiving, except to certain (1) pharmacies, (2) grocery stores employing fewer than six employees per shift, (3) florists, (4) video rental stores, and (5) bakeries ([RI Gen. Laws § 5-23-2](#)). Stores that open without a license can be fined up to \$500 for the first offense and up to \$1,000 for each additional offense. Stores that open illegally on Thanksgiving or Christmas face an additional fine of up to 30% of their sales or proceeds from that day ([RI Gen. Laws § 5-23-6](#)).

The state's law also provides protections to certain employees who work on holidays. For most nonexempt employees working on a holiday, the state's law requires at least time-and-one-half wage rates and prohibits employers from (1) requiring work on a holiday or (2) discharging, discriminating against, or penalizing an employee for refusing to work on a holiday. Exceptions include, among other things, restaurant and hotel employees, healthcare workers, bakery employees, and limousine or taxicab drivers for companies that operate 24 hours per day and seven days per week (RI Gen. Laws §§ 5-23-2 and [25-3-3](#)).

Additional information about Rhode Island's holiday employment laws can be found at <http://www.dlt.ri.gov/ls/pdfs/wagehourbook.pdf>.

LH:ro