

Can My Employer Make Me Work On A Holiday?

Monday, September 7, 2026

The short answer is yes, unless you are a state or federal employee, or have an employment contract or other agreement that entitles you to certain holidays. This article addresses secular holidays and general holiday pay rules; different accommodation rules may apply to religious holidays.

Are Government Employees Entitled to Paid Holidays?

Generally, employees who work for the United States government or the New Jersey State government are entitled to paid holidays. You can find a list of the [paid federal holidays](#) published by the U.S. Office of Personnel Management on their website holiday page, and a list of the [New Jersey State holidays](#) on nj.gov. Both federal and New Jersey state governments provide for additional premium pay in the cases when a government worker must work on a holiday.

Do Private Employers Have to Give Employees Holidays Off?

An employee who works for a private employer is not entitled to holidays by law. This includes major holidays such as Labor Day, Memorial Day, Thanksgiving, Christmas, and New Year's Day. The exception to this rule is if there is an employment agreement or collective bargaining agreement that provides for holiday leave. Even if holidays are provided for in an employee handbook, except in certain circumstances, a private employer can still require an employee to work on a holiday if necessary.

Does My Private Employer Have to Pay Me for a Holiday I Do Not Work?

Many employees are provided with holidays as part of the benefits provided to them by private employers. Private employers may offer paid or unpaid holiday time.

- Employees who are not exempt from the Fair Labor Standard Act's rules ("non-exempt employees"), usually hourly workers, are not entitled to be paid on days that they do not work. If these employees are notified that the day is a holiday before they report to work on that day, no pay is required.
- Non-exempt employees may be paid by employers as a benefit.
- Employees who are exempt from the Fair Labor Standard Act's rules (usually salaried employees) and are provided with holidays must be paid their regular salary without interruption for business closures that extend less than one full work week, so they must be paid for the holiday if they work any time during the holiday week.
- An employer that offers paid holidays to full-time employees is permitted not to offer part-time and temporary workers paid holiday time.
- An employer may choose to offer paid holidays only to employees who have worked for the business for a certain length of time or meet some other criteria.

All employees are entitled to time off to celebrate their religious holidays as accommodation under law, although employers may not be required to pay for such time off, depending on the circumstances.

TAKEAWAY: Generally, federal government employees and New Jersey State employees are entitled to paid holidays, but employees who work for private employers are not. If you have a question about whether you are entitled to holiday time, please contact [Stephanie Gironda](#) or any member of the [Wilentz Employee Rights Team](#).

Holiday Pay and Time Off FAQs

Can my employer make me work on Labor Day?

Generally, yes. Private employers can usually require employees to work on Labor Day unless an employment contract or union agreement provides otherwise.

Do private employers have to pay holiday pay?

Usually, no. Private employers are generally not required to provide paid holidays or extra holiday pay unless they have agreed to do so through a contract, policy, or other enforceable agreement.

Can I request time off for a religious holiday?

Yes. Employees may request time off or schedule changes for religious observances as a workplace accommodation, although the employer may not always be required to provide paid time off.

Attorney

- Stephanie D. Gironda

Practice

- Employee Rights