

EMPLOYEES: Missouri statutes do not require extra compensation
HOLIDAYS: to employees of private persons or corporations for
WAGES: work performed on Missouri public holidays listed.



March 23, 1953

Honorable L. L. Duncan
Director
Division of Industrial Inspection
Department of Labor and
Industrial Relations
Jefferson City, Missouri

Dear Mr. Duncan:

Your letter of February 3, 1953, requesting an official opinion of this office, was phrased as follows:

"On numerous occasions requests have come to this department, such as the one you will please find attached to this letter.

"This department desires an opinion concerning this matter."

The letter which you attached is quoted:

"Missouri Division of Employment
Security, Box 59, Jefferson City, Mo.

Re: Accounty No. 15688.096 5131

"Gentlemen:

"We wish to bring our records up to date. What holidays in your State are we required to pay other than straight time should an employee work on any one of them?

Very truly yours,

Star Expansion Bolt Company
B. W. Cole
Treasurer"

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Section 10.010, RSMo 1949, designates the following holidays:

"The following days, namely: The first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the first Monday in September, the eleventh day of November, any general primary election day, any general state election day, any thanksgiving day appointed by the President of the United States or by the governor of this state, and the twenty-fifth of December, are hereby declared and established public holidays; and when any of such holidays falls upon Sunday, the Monday next following shall be considered such holiday."

Section 10.020, RSMo 1949, declares the twelfth day of October to be a public holiday:

"The twelfth day of October of the year of our Lord 1909, and the twelfth day of October of each year thereafter, is hereby declared a public holiday, to be known as 'Columbus Day,' and the same shall be recognized, classed and treated as other legal holidays under the laws of this state; provided, that this section shall not be construed to affect commercial paper, the making or execution of agreements or instruments in writing or interfere with judicial proceedings."

Section 10.030, RSMo 1949, declares the thirteenth day of April to be a public holiday:

"The thirteenth day of April of the year 1932, and the thirteenth day of April of each year thereafter is hereby declared a public holiday to be known as 'Jefferson Day,' and the same shall be recognized, classed and treated as other legal holidays under the laws of this state; provided, that this section shall not be construed to affect commercial paper, the making or execution of agreements or instruments in writing, or to interfere with judicial proceedings."

Section 10.050, RSMo 1949, declares the twelfth day of February to be a public holiday:

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"The twelfth day of February of the year 1916, and the twelfth day of February of each year thereafter, is hereby declared a public holiday, to be known as 'Lincoln Day,' and the same shall be recognized, classed and treated as other legal holidays under the laws of this state; provided, that this section shall not be construed to affect commercial paper, the making or execution of agreements or instruments in writing, or to interfere with judicial proceedings."

Section 117.240, RSMo 1949, declares certain election days in Kansas City to be legal holidays.

"The days upon which the general, state, county or primary elections shall hereafter be held in such city shall be holidays and shall, for all purposes whatever as regards presenting for payment or acceptance and of the protesting and giving notice of the dishonor of bills of exchange, bank checks and promissory notes and as regards days of grace upon commercial paper be treated and considered as is the first day of the week, commonly called Sunday."

Section 118.180, RSMo 1949, declares certain election days in St. Louis to be legal holidays, and reads as follows:

"The days upon which the general, state, county or primary elections shall hereafter be held in such city shall be legal holidays and shall for all purposes whatever as regards presenting for payment or acceptance and the protesting and giving notice of the dishonor of bills of exchange, bank checks and promissory notes and as regards days of grace upon commercial paper be treated and considered as is the first day of the week, commonly called Sunday."

Although Sections 10.020, 10.030 and 10.050 do not expressly provide that when the declared holidays falls on Sunday, that the following Monday shall be considered such holiday, the Kansas City Court of Appeals, in *Byrne Real Estate Co. v. Welsh, et al.*, 215 Mo. App. 652, predicated their express decision that the Monday following a Columbus Day which was on Sunday was a public holiday, upon the clause "and the same shall be recognized, classed and treated as other legal holidays under the laws of this state," which clause appears in the Lincoln Day, Jefferson Day, and Columbus Day

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statutes; we quote the court, (l. c. 661):

"* * *It is apparent that when section 5849 (now 10.020) refers to other legal holidays it refers to the general holidays theretofore existing and mentioned in section 5848 (now section 10.010) and says that Columbus Day shall be recognized, classed and treated as the holidays mentioned in said last-mentioned section. This is broad language and if we give it full meaning, we must construe it as providing that if Columbus Day falls on Sunday the following Monday shall be considered the holiday, precisely as those holidays mentioned in section 5848. * * * (now 10.010)."

The days listed in the above quoted statutes are the only holidays declared by Missouri statutes.

There is no provision under Missouri law for extra compensation to employees of private persons or corporations who work on such holidays.

CONCLUSION

It is therefore, the opinion of this office that:

(1) The following days are public holidays in Missouri:

- (a) First day of January;
- (b) Twelfth day of February;
- (c) Twenty-second day of February;
- (d) Thirteenth day of April;
- (e) Thirtieth day of May;
- (f) Fourth day of July;
- (g) First Monday in September;
- (h) Twelfth day of October;
- (i) Eleventh day of November;
- (j) Any general primary election day;
- (k) Any general state election day;
- (l) Any Thanksgiving Day appointed by the President of the United States or by the Governor of this state;
- (m) Twenty-fifth day of December.

When any of such holidays falls upon Sunday, the Monday next following shall be considered such holiday.

(2) Missouri law does not require extra compensation to employees of private persons or corporations for labor performed on

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public holidays.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Mr. Paul McGhee.

Very truly yours,

JOHN M. DALTON
Attorney General

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