



Commonwealth of Massachusetts  
**DEPARTMENT OF HOUSING &  
COMMUNITY DEVELOPMENT**

Charles D. Baker, Governor ♦ Karyn E. Polito, Lieutenant Governor ♦ Jennifer D. Maddox, Undersecretary

**PHN 2021-09**

To: All Local Housing Authority (LHA) Executive Directors and Board Members  
From: Ben Stone, Director, Division of Public Housing  
Re: Juneteenth Independence Day Guidance  
Date: May 20, 2021

**Need to Know:**

1. New state holiday of June 19<sup>th</sup> (“Juneteenth Independence Day”) for Commonwealth Employees (see <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleI/Chapter4/Section7> .)
2. LHA employees are not Commonwealth employees. If the applicable labor agreements and/or personnel policy do not already automatically provide paid leave for all state holidays referenced in M.G.L. c. 4, sec. 7, cl. 18, the Board has discretion to vote on whether or not to add the newly recognized Juneteenth holiday to its personnel policy. Please note that changes to labor agreements must be collectively bargained before they can be implemented.
3. If LHA board votes to include June 19<sup>th</sup>/Juneteenth as a paid holiday for any employees, DHCD strongly recommends it do so for all employees. Note guidance below on treatment in Executive Director (ED) contracts.

**New State Holiday**

“Juneteenth Independence Day” is now an official Massachusetts state holiday. Governor Baker signed the holiday into [law](#) on July 24, 2020, to recognize “[the continued need to ensure racial freedom and equality](#).” Juneteenth is an annual celebration that commemorates the emancipation of the last slaves in the former Confederate territory on June 19, 1865, a full two and a half years after the Emancipation Proclamation.

June 19, 2021 will be the first day Juneteenth is celebrated officially in Massachusetts, and Commonwealth employees will receive paid holiday benefits for it this year. The holiday will fall on a Saturday this year and be observed on the Saturday. Next year, Juneteenth will fall on Sunday, June 19, 2022, and like all state holidays falling on Sunday, it will be observed on the following Monday (June 20, 2022).

**How Does This Affect the LHA?**

- A) First, the LHA will need to ensure that it follows any legal obligations that currently exist to recognize the holiday. LHA’s are not automatically obligated by state law to provide employees with holiday pay for Juneteenth, as they are not Commonwealth employees, but they may be obligated to do so under their existing personnel policies and/or collective bargaining agreement(s) (“CBA”). An LHA’s obligation to provide holiday pay and/or paid time off for this new state holiday ultimately depends on the language in its personnel policy and/or CBAs. LHAs should review their CBAs/personnel policy to see if it expressly includes by reference the state holiday

law (M.G.L. c. 4, sec. 7, cl. 18.) or holidays defined by another entity such as the Commonwealth or their municipality.

- B) If the LHAs personnel policy only includes a paid day off for specifically enumerated holidays, the LHA Board may vote to add Juneteenth to their paid holiday list for employees, if it determines that this is in the best interest of the LHA after considering all relevant factors including, but not limited to, finances, labor relations, leadership, morale and peer organization standards.

### **Additional Considerations**

For LHAs with unionized staff, if the LHA Board does not vote to add the Juneteenth Independence Day holiday acting on its own, the union will have to bargain with the LHA to include Juneteenth as a paid holiday. LHAs are encouraged to consult with their labor attorney regarding this new holiday, particularly if they are preparing for or engaged in contract negotiations.

If the holiday is added to the LHA's holiday list, Juneteenth Independence Day must be treated equivalently by the LHA to all other similarly bracketed holidays in Massachusetts, which include New Years Day, Memorial Day, July 4<sup>th</sup>, and Labor Day. DHCD also strongly recommends that if the board elects to add the holiday for any employee the holiday should be made available to all employees of the LHA on an equivalent basis.

For Executive Directors whose holiday days are defined by contract rather than by reference to the personnel policy holiday list, the Board may vote to add the holiday through a contract addendum. The LHA does not need to submit this addendum to DHCD so long as it contains no other terms; as this PHN constitutes DHCD's written approval of a contract amendment whose sole purpose is to add this holiday. As the state NAGE 6 bargaining unit has received this new holiday as an additional paid day off it is an approvable benefit for LHA EDs under DHCD guidance in [PHN 2019-29: Clarification of DHCD Standards for Reviewing Benefits Provisions of LHA ED Contracts](#).