



DEPARTMENT OF THE AIR FORCE
PACIFIC AIR FORCES

19 January 2018

**MLC LETTER NO. 1-18 FOR CONTRACTING OFFICER'S REPRESENTATIVES
CONTRACT NO. DA-92-557-FEC-28000
(MASTER LABOR CONTRACT)**

**FROM: 374 CONS
Unit 5228
APO AP 96328-5228**

SUBJECT: Employee Birthday Holiday

1. References:

- a. MLC, Chapter 5, paragraph 8.
- b. MLC, Chapter 5, paragraph 9.
- c. MLC, Chapter 6, paragraph 2c.
- d. MLC, Chapter 6, paragraph 7.
- e. MLC, Chapter 7, Section A, paragraph 4a.
- f. Standing Instructions to CORs, Chapter 5, paragraph 9a(2).

2. Beginning 1 April 2018, MLC Employees are granted a holiday on their birthday in accordance with reference 1d.

3. In the event the employee's birthday falls on a non-workday, rest day or one of the other holidays provided in reference 1d, the workday nearest the birthday will be designated as a birthday holiday. If two workdays are equidistant, the earlier day will be taken. For example, if an employee's birthday falls on Saturday, his/her birthday holiday is Friday; if an employee's birthday falls on Sunday, his/her birthday holiday is Monday.

4. Employees who are required to work on their birthday holiday as part of their regularly scheduled workday for mission requirements will be paid at the holiday rates for actual hours worked in accordance with reference 1b. Employees who are required to work on their birthday holiday in excess of the regularly scheduled work hours will be paid at the overtime rates in accordance with reference 1a. Birthday holiday starts from 00:00 on the day designated as the birthday holiday and ends at 24:00 on the same day.

5. As exceptions to the above, the followings apply to intermittent shift employees in reference 1c:

a. An employee who works on his/her birthday holiday, as a regularly scheduled workday/period shall be authorized holiday pay. The holiday pay hours will be computed as the number of hours in attendance (i.e., total hours spent at work) on the date of birthday holiday, times 2/3 in accordance with reference 1f.

b. An employee who works in excess of regularly scheduled work hours on his/her birthday holiday shall be authorized overtime pay for actual hours worked on the date of birthday holiday in accordance with reference 1a.

6. Supervisors of MLC employees are informed of employee's date of birth through use of annual leave schedule which employees submit prior to 1 February of each year or within one month of hire as applicable in accordance with reference 1e, or by any other means.

THOMAS.STEVEN. Digitally signed by
MICHAEL.1240387 THOMAS.STEVEN.MICHAEL.12
40387332
Date: 2018.01.19 14:34:01
+08'00'

STEVEN M. THOMAS
Contracting Officer

ELECTRONIC DISTRIBUTION
APAJ-GA-CP
APAJ-JA
CNFJ/N10
CMFJ/HNSO
5AF/A1
APAJ-RM-C
USFJ/J06
USFJ/J14
MOD



HEADQUARTERS
UNITED STATES FORCES, JAPAN
APO AREA PACIFIC 96328-5068

**INDIRECT HIRE AGREEMENT
LETTER NO. 1-18**

19 January 2018

Subject: Employee Birthday Holiday

1. References:

- a. Supplement #8, paragraph 2c.
- b. Supplement #8, paragraph 8.
- c. Supplement #10, paragraph 4.
- d. Supplement #11, paragraph 8.
- e. Supplement #11, paragraph 9.

2. Beginning 1 April 2018, IHA Employees are granted a holiday on their birthday in accordance with reference 1b.

3. In the event the employee's birthday falls on a non-workday, rest day or one of the other holidays provided in reference 1b, the workday nearest the birthday will be designated as a birthday holiday. If two workdays are equidistant, the earlier day will be taken. For example, if an employee's birthday falls on Saturday, his/her birthday holiday is Friday; if an employee's birthday falls on Sunday, his/her birthday holiday is Monday.

4. Employees who are required to work on their birthday holiday as part of their regularly scheduled workday for mission requirements will be paid at the holiday rates for actual hours worked in accordance with reference 1e. Employees who are required to work on their birthday holiday in excess of the regularly scheduled work hours will be paid at the overtime rates in accordance with reference 1d. Birthday holiday starts from 00:00 hours on the day designated as the birthday holiday and ends at 24:00 on the same day.


5. As exceptions to the above, the followings apply to intermittent shift employees in reference 1a:

- a. An employee who works on his/her birthday holiday, as a regularly scheduled workday/period shall be authorized holiday pay. The holiday pay hours will be computed as the number of hours in attendance (i.e., total hours spent at work) on the date of birthday holiday, times 2/3.

b. An employee who works in excess of regularly scheduled work hours on his/her birthday holiday shall be authorized overtime pay for actual hours worked on the date of birthday holiday in accordance with reference 1d.

6. Supervisors of IHA employees are informed of employee's date of birth through use of annual leave schedule which employees submit prior to 1 February of each year or within one month of hire as applicable in accordance with reference 1c, or by any other means.

FOR THE COMMANDER


CONSOLACION B. SUSUICO
IHA Administrator

ELECTRONIC DISTRIBUTION
USARJ
CNFJ
5 AF
CMFJ
USFJ
MOD

Q & A for Employee Birthday Holiday, effective 1 Apr 2018

1. How to Request – How will the supervisor judge that it is a holiday?

リクエストの方法 – 監督者はどのように祝日だと判断するのか？

Q1: How will supervisors know each employee's birthday? Does the supervisor have to obtain information in advance on the employee's date of birth?

監督者はどのようにして従業員の誕生日を知ることができるのか？ 監督者があらかじめ従業員の誕生日がわかる資料を入手するのか？

A1: An employee will report his/her date of birth to his/her supervisor through use of the annual leave schedule which he/she submits to supervisor prior to 1 February or within one month of the date of hire as applicable IAW paragraph 4a, Section A, Chapter 7 of the MLC and paragraph 4a, Section B, Supplement #10 of the IHA, or by any other means such as by email, verbal communication, etc.. SI provisions will be revised to include this reporting requirement.
基本労務契約第7章A節4 a 及び諸機関労務協約手続英文附属書10のB節4 aの規定に従い、従業員は、毎年2月1日までに、又は雇用された日から一ヶ月以内に、その暦年に対する年次休暇予定表を監督者に提出する。従業員は当該休暇予定表に誕生日を記入し、又はEメール或いは口頭等の手段により、監督者に自己の誕生日を知らせるものとする。基本指令の当該規定を変更し、この報告に関する規定を設ける予定である。

Q1-1: How about the employees whose birthday is 1 January to 31 January? If the Annual Leave Schedule is submitted by 1 February, the supervisor would have to approve it after the fact for the January birthdays. Can the submission due date be moved to the previous year to approve the schedule prior to the new year?

誕生日が1月1日から1月31日までの従業員はどうするのか？ 休暇予定表の提出が2月1日までということは、1月に誕生日を迎える従業員については、誕生日の祝日を取得後に承認することになる。新暦年が始まる前に休暇予定表を提出させることは可能か？

A1-1: Since the Employee Birthday Holiday is effective from 1 April 2018, supervisors would not be approving the subject holiday in January, February, and March 2018.

従業員誕生日の祝日は2018年4月1日が発効日となるため、2018年の1月、2月、3月中の誕生日の祝日を事後承認することはない。

Q2: How shall supervisors control employees' schedule? Especially, when US supervisors frequently turn over.

監督者はどのようにして従業員のスケジュール管理をすればよいか？ 特に米国人監督者のように短期間で異動してしまう場合はどうするのか。

A2: As it is explained in A1 above, an employee will report his/her date of birth on Annual Leave Schedule, etc. The supervisor or admin staff should keep a file of when the employees' birthdays (month and day only) are for planning purposes, thereby eliminating any missed birthdays just because there's a change in the supervisor.

上記A1のとおり、従業員は年次休暇予定表等を使用して自己の誕生日を監督者に知らせる。監督者が変更になった場合でも新監督者が誕生日を忘れて見落とししないよう、監督者又はアドミンスタッフは従業員の誕生日（月及び日のみ）をファイルに管理し、計画を立てるものとする。

Q3: Is the employee required to submit some kind of certificate? If it is self-reporting, how can the supervisor verify the dates are accurate?

本人が何かしらの証明書を提出する必要があるのか？ 自己申告だとすると、監督者はどのようにして正しい誕生日を確認できるのか？

A3: Basically it is self-reporting and no proof is required; however, if supervisors wish to ensure that the reported birthday is accurate, supervisors can do so by contacting CPS/HRO, by checking employee's health insurance card with the employee's consent, or by checking the supervisor's copy of the PAR.

基本的には自己申告で誕生日の証明は必要としないが、従業員によって申告された誕生日が正確であるか監督者が確認したい場合は、人事課に連絡を取る、従業員の同意を得て健康保険証で確認する、或いは人事措置要求書の監督者用複写で確認する等の方法がある。

Q4: What if the supervisor approves the schedule without checking the employee's actual birthday and the employee had marked his/her own desired date and took a holiday?

もし従業員が自ら望む日を誕生日の祝日として記入し、監督者が従業員の誕生日を確認せずに祝日を承認したらどうなるのか？

A4: The employee's birthday holiday will still be the day set by the MLC/IHA provisions, not his/her own desired date. Same answer as A2 and A3 above; the supervisor or admin staff should confirm the employees' date of birth as necessary, and keep a file of when the employees' birthdays (month and day only) are for planning purposes, thereby eliminating any missed birthdays.

従業員の誕生日の祝日は基本労務契約及び諸機関労務協約の規定により定められている祝日になり、従業員の望む日ではない。上記A2及びA3のとおり、監督者又はアドミンスタッフは従業員の誕生日（月及び日のみ）を必要に応じて確認の上、ファイルに管理して計画を立てることにより、誕生日を忘れて見落とししたりしないよう留意する。

Q5: Is there a document to submit to the supervisor similar to a leave request when taking a Birthday Holiday?

誕生日の祝日を取得するにあたり、休暇届のように監督者に提出する書類はあるか？

A: No, leave request is not required.

休暇届の提出は必要としない。

2. How to Handle Holiday Pay.

祝日給の取扱いについて。

Q6: When U.S. holidays fall on Saturday/Sunday, holiday policy letter has been issued by MLC Contracting Officer and IHA Administrator which addresses the handling of holiday/overtime pay. Will policy of birthday holiday (alternate day-off) be included in the same letter?

米国の祝日が土曜/日曜と重なる場合は、契約担当官及びIHA管理官からレターが発効され、祝日給/時間外勤務給の扱いについて明示される。従業員誕生日の祝日（代休日）もそのレターに含まれるのか？

Employee Birthday Holiday Guidance (Q&A) Issued by HQ USFJ/J14, 19 January 2018

A6: MLC Letter No. 1-18 and IHA Letter No. 1-18 are the policy for the birthday holiday, which shall be retained for future references.

MLCレター1-18及びIHAレター1-18が当該祝日のレターとなるので、参照のため保管するものとされたい。

Q7: When it is necessary to report to work for operational reasons, will holiday pay be paid similar to working on US holidays?

業務上出勤が必要な場合、通常の軍の祝日と同様の支払いがされるのか？

A7: Yes.

はい。

Q8: What if the employee refuses to take a holiday on his/her birthday and reports to work? 従業員が誕生日の休日を拒否し出勤した場合どうなるのか？

A8: Only when a supervisor instructs his/her employees to report to work on non-work day, rest day, or holiday for operational reasons, the employees will be paid at the holiday and/or overtime rates for those hours actually worked. Other than above cases, supervisor should not direct employees to report to work and deny his/her holiday and overtime rates.

監督者が従業員に対して、業務上の理由により、勤務を要しない日、休日、又は祝日に勤務することを命じた場合のみ、実際に働いた時間数に応じて祝日給又は時間外勤務給が支給される。監督者は業務上の理由以外の理由で勤務を命じるべきではなく、祝日給や時間外勤務給が支給されることはない。

3. Observance of Birthday Holiday.

誕生日の祝日の振替えについて。

General Rule: When the birthday falls on a non-workday, rest day or one of the US holidays, the workday nearest the birthday will be designated as the birthday holiday. (Example: For an employee whose non-work day is Saturday and rest day is Sunday, and when his/her birthday falls on Saturday, his/her birthday holiday will be Friday and when his/her birthday falls on Sunday, his/her birthday holiday will be Monday).

概要：誕生日と勤務を要しない日、休日、米国の祝日が重なった場合、直近の労働日を誕生日の祝日とする。（例：土曜日が勤務を要しない日、日曜日が休日の従業員の場合、誕生日が土曜日と重なった場合は直前の金曜日が誕生日の祝日となり、誕生日が日曜日と重なった場合は翌月曜日が誕生日の祝日となる。）

Q9. When the birthday falls on a US holiday, which holiday will be moved?

米国の祝日と誕生日が重なった場合はどちらを優先するのか？

A9: In accordance with paragraph 7(3), Chapter 6 of the MLC Standing Instructions and paragraph 8a(3) of the Procedures to IHA Supplement #8, a U. S. Holiday is observed as holiday and the Birthday Holiday will move to the nearest work day or earlier workday.

基本指令第6章7節(3)及び諸機関労務協約手続英文附属書8第8a(3)の規定に従い米国の祝日は祝日として、誕生日の直近の労働日が誕生日の祝日として指定される。

Q10. As an extreme case, what if a US holiday falls on employee's non-work day or rest day, and also falls on his/her birthday?

極端な例として、従業員の勤務を要しない日又は休日に祝日が当たり、更に誕生日も重なった場合はどう扱うか。

A10: In accordance with paragraph 7(3), Chapter 6 of the MLC Standing Instructions and paragraph 8a(3), Procedures to IHA Supplement #8, a U. S. Holiday is observed as holiday and the Birthday Holiday will move to the nearest work day or earlier workday, and then the employee's non-work day or the rest day will be changed to a different day in accordance with paragraph 7(1), Chapter 6 of the MLC Standing Instructions and paragraph 8a(1), Procedures to IHA Supplement #8.

基本指令第6章7節(3)及び諸機関労務協約手続英文附属書8第8a(3)の規定に従って米国の祝日は祝日として、誕生日の直近の労働日が誕生日の祝日として指定され、さらに基本指令第6章7節(1)及び諸機関労務協約手続英文附属書8第8a(1)の規定に従って従業員の勤務を要しない日又は休日は別の日に一時的に変更されるものとする。

Q11. When the birthday falls on year-end and new year's holidays, year-end will be taken within the year, and new year's will be taken in the new year?

年末年始の祝日と重なった場合、誕生日が年内の場合は前倒し、年始の場合は後ろへ変更となるのか?

A11: In accordance with paragraph 7(3), Chapter 6 of the MLC Standing Instructions and paragraph 8a(3), Procedures to IHA Supplement #8, the Birthday Holiday will move to the nearest work day or earlier workday. For example, for an employee whose birthday is 31 December, 28 December becomes his/her Birthday Holiday. Similarly, for an employee whose birthday is 1 January, 4 January becomes his/her Birthday Holiday.

基本指令第6章7節(3)及び諸機関労務協約手続英文附属書8第8a(3)の規定に従い、誕生日の直近の労働日或いは2つの労働日が直近である場合は早い日が誕生日の祝日として指定される。例えば、従業員の誕生日が12月31日の場合は、12月28日が誕生日の祝日となり、誕生日が1月1日の場合は1月4日が誕生日の祝日となる。

4. Employees on intermittent work shifts.

断続交代勤務の従業員について。

Q12: How about employees who are on intermittent work shifts?

断続交代勤務シフトの従業員の誕生日の祝日はどう扱うか?

A12: Treatment of Birthday Holiday is as same as the cases of other US holidays. For more detail, please refer MLC Letter 1-18 or IHA Letter 1-18.

断続交代勤務シフトの従業員の誕生日の祝日の取り扱いは、その他の米国の祝日の場合と同じである。詳細についてはMLCレター1-18及びIHAレター1-18を参照すること。

5. Others.

その他。

Q13. What would be the timesheet and/or payroll code for the Birthday Holiday, e.g., "BH"?
従業員誕生日の祝日は、タイムシートやペイロールシート上にどのように記載されるのか
(例：“BH”)？

A13. Code "BH" may be used for Time & Attendance sheet (USFJ Form 34 for MLC and USFJ Form 364 for IHA). For Payroll sheets, HQ USFJ/J14 is currently coordinating with MOD whether or not a new code for the Birthday Holiday is necessary because other US holidays are not entered on the Payroll sheet.

タイムシート（MLC従業員は在日米軍様式34、IHA従業員は在日米軍様式364）には「BH」と記入することを想定している。ペイロールシートに関しては現在も米国祝日のコードを記入していないため、新規に従業員誕生日の祝日のコードを作成する必要があるかどうか、J14と防衛省で調整中である。