



# DIGEST

## Good Friday Holiday Is Held Unconstitutional

DIRECTOR OF personnel Gordon Nesvig has informed County department heads that the traditional three-hour holiday on Good Friday afternoon has been ruled unconstitutional and therefore, barring a last-minute stay by the state supreme court, the holiday will not be observed in County offices this Friday (March 28).

"I have asked department heads to attempt to accommodate any employee who asks for time off on Good Friday to exercise his religious obligations," Nesvig said. "However, such time off must be without pay or must be charged against vacation time, personal leave, or overtime the employee has to his credit."

The three-judge state Court of Appeal in San Francisco unanimously ruled (March 12) that state laws permitting the Good Friday observance "constitute an excessive government entanglement with religion" violating the U. S. Constitution's first amendment which says: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." These provisions were extended to the states by the 14th amendment.

The County's holiday pattern is tied to that of the state by the County salary

ordinance, which says County holiday are those established by state law (section 6700 of the state Government Code lists the state holidays, including noon to 3 p.m. on Good Friday).

The court of appeal ruling results from a suit brought against the state health department by employee Shelle Mandel, who won her case in Alameda superior court.

The three appellate judges held that "Good Friday is a wholly religious day . . . but as to the Christian religion only." They noted that no similar recognition is extended to the Jewish holiday of Yom Kippur or to holy days of other non-Christian faiths.

The opinion added, "Government may not exert its power in the service of any religious end." The judges pointed out that the state personnel manual reads that "from 12 to 3 p.m. on Good Friday, employees are given those hours off for worship."

In their losing appeal, attorneys for the state argued that the time off on Good Friday, while having its origin rooted in Christian history, now has the clear purpose "to provide a necessary period of relaxation and rest from the ordinary routine of work for all state employees."

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To speed printing and distribution among County employees, the press run of this special edition of THE DIGEST has been limited to 10,000 copies instead of the customary 50,000. Readers are asked to share their copies and post them on bulletin boards so that all employees have access to the information.