

**LUCAS COUNTY, OHIO
BOARD OF COMMISSIONERS**

**TITLE: VACATION LEAVE FOR
NON-BARGAINING UNIT
EMPLOYEES**

**EFFECTIVE
DATE:** **June 29, 2021**

NUMBER: 45

**PERSONNEL X
ADMINISTRATIVE**

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**RESOLUTION
NO: 21-557**

**TYPE:
POLICY X
PROCEDURE X**

**SUPERSEDES:
POLICY #
PROCEDURE #**

I. SCOPE

This policy applies to all non-bargaining unit employees under the appointing authority of the Board of Lucas County Commissioners. Vacation leave for bargaining unit employees is addressed in the appropriate collective bargaining agreement.

II. PURPOSE

This Policy addresses the accrual, use & cash-out of vacation leave provided to non-bargaining unit employees, as permitted by Sections 9.44 and 325.19 of the Ohio Revised Code.

III. POLICY

Each full-time employee after service of one (1) year with the county or any political subdivision of this state will accrue paid vacation leave according to the following schedule:

Completed Years Of Service	# of Weeks Earned	Hours Accrued per 80-Hour Pay Period
1 – 6	2 Weeks	3.1 hours/pay period
7 – 13	3 Weeks	4.6 hours/pay period
14 – 20	4 Weeks	6.2 hours/pay period
21 – 25	5 Weeks	7.7 hours/pay period
26+	6 Weeks	9.2 hours/pay period

A year of service shall be measured by the completion of twenty-six (26) biweekly pay periods. The initial vacation accrual would therefore be available for use in the pay period after the year of service has been completed.

Part-time employees will not be eligible to accrue vacation leave. Full-time employees who are in active pay status for less than eighty (80) hours in a pay period shall accrue a pro-rated amount of vacation for that pay period.

As required by ORC 9.44, an employee is entitled to have their prior service with the state or any political subdivision of the state counted for the purposes of determining "completed years of service" and calculating the appropriate accrual.

Days specified as paid holidays shall not be charged to an employee's vacation leave.

Vacation leave shall be taken by the employee during the year in which it is accrued, and prior to the next recurrence of the anniversary date of employment or, in circumstances where there is verified prior service, prior to the next recurrence of the employee's prior service date for vacation accrual. However, an employee will be permitted to accumulate and carry over vacation in the following manner: once vacation has been accrued, the previous two (2) years of unused vacation accrual may be carried over annually as of the anniversary date of employment or, in circumstances where there is verified prior service, prior to the next recurrence of the employee's prior service date for vacation accrual.

In the event an employee requests vacation but is denied due to work necessity or operational needs, the employee will be permitted a period of three (3) months, beginning when operational needs allow, to use any vacation hours requested that would have otherwise been "lost" on the anniversary date of employment or, in circumstances where there is verified prior service, on the next recurrence of the employee's prior service date for vacation accrual. These hours will be placed into the employee's "Personal Leave" bank for this extended use.

Each employee will be provided with the opportunity in Pay Period # 15 for 2021, and in Pay Period # 13 in 2022 and future years, and again in Pay Period # 25 of each year, to cash-out up to forty (40) hours of accrued but unused vacation to the employee's credit as of the end of Pay Period # 14 (2021), Pay Period # 12 (2022 and future years) and Pay Period # 24 (each year), provided each cash-out results in a remaining balance at that time of at least forty (40) hours.

Example: An employee ends Pay Period # 14 in 2021 with 120 hours of accrued vacation; they may cash out up to forty (40) hours. However, if an employee ends Pay Period # 14 in 2021 with 72 hours of accrued vacation, they would only be able to cash out a maximum of 32 hours (72 – 32 = required minimum balance of 40 hours).

The forty (40) hour balance applies only for the pay period immediately prior to the cash-out. Cashed out vacation hours will come from carried over hours first.

Upon separation from employment, the employee is entitled to compensation, at their current rate of pay, for the prior year's carryover of earned but unused vacation (the most recent of the two (2) years or carryover permitted by this Policy), in addition to the prorated portion of any earned but unused vacation at the time of separation.

In the case of the death of an employee, the prior year's carryover of earned but unused vacation (the most recent of the two (2) years or carryover permitted by this Policy), in addition to the prorated portion of any earned but unused vacation at the time of death, shall be paid in accordance with Section 2113.04 of the Ohio Revised Code, or to the employee's estate.

IV. PROCEDURE

- A.** Vacation leave must be requested & approved prior to use. Specific requirements for requesting use of vacation leave will be covered by each department's work rules & practices.
- B.** Prior service for an employee, whether with the state or any political subdivision of the state, must be verified in writing by the previous employer(s) before this prior service will be applied.
- C.** Vacation use is to be denied only for reasons of work necessity or operational needs. An employee who requests but is denied the use of vacation leave for these purposes may ask for the additional three (3) months of time in which to use the denied vacation hours rather than lose them by making this request in writing to their department head, who will approve or deny the request in writing (if the employee involved is a department head, they will make their request to County Administration). If the requested

extension of time is approved, this will be communicated to the department's payroll/time & labor professional for appropriate recordkeeping and action.

- D. Employees must document their leave use in the appropriate timekeeping system being utilized by their department.
- E. The Human Resources Department will develop a form for the cash-out opportunities described in Part III above, and Departments will be responsible for distributing these forms to their covered employees.



Signature of County Administrator



Date

Date: June 29, 2021

Resolution No. 21-557

Title: Approval of Vacation Leave for Non-Bargaining Unit Employees Policy (Policy #45) of the Board of Lucas County Commissioners

Department/Agency: Human Resources

Contact: Brian Cunningham

Summary/Background: Per statute, vacation accrual & use for bargaining unit employees is negotiated into collective bargaining agreements. For non-bargaining unit employees under the appointing authority of the Board of County Commissioners, Ohio Revised Code 9.44 and 325.19 provide statutory language regarding vacation accrual and use. ORC 325.19 also allows a county appointing authority to make certain modifications to statute. This policy incorporates applicable statute as found in ORC 9.44 and 325.19 as well as several previous Board resolutions over the past decade which amplified statute, to create one source for all of this information, and adds a limited vacation cash-out opportunity annually.

Budget Impact:

Statutory Authority/ORC: ORC 9.44 and 325.19

Commissioner Gerken offered the following resolution:

WHEREAS, in consideration of the above, NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners, Lucas County, Ohio, that:

Section 1. The “Vacation Leave for Non-Bargaining Unit Employees” policy is hereby approved as found in the attached policy.

Section 2. This Board finds and determines that all formal actions of this Board concerning and relating to the adoption of this resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in those formal actions were in meeting open to the public in compliance with the law.

Section 3. This resolution shall be in full force and effect from and immediately upon its adoption.

Action Taken:

Commissioner Gerken voted yes

Commissioner Byers voted yes

Commissioner Skeldon Wozniak voted yes



Jody L. Balogh, Clerk