

Let’s start with what the ORC says about vacation for County employees...

- Vacation
- Holidays
- Jury Duty/Court Leave
- Personal Leave

From our first class, we know that most of the time we will find the civil service laws that apply to County employees in Chapter 124 of the Ohio Revised Code (which is found in Title 1, “State Government”).

BUT, in this case, you will NOT find the info you need here!

Chapter 124 | Department of Administrative Services - Personnel
Ohio Revised Code / Title 1 State Government

Expand All Close All

Section

Section 124.01 | Department of administrative services - personnel definitions.

Section 124.011 | City school district personnel commissions.

Section 124.02 | Director of administrative services - state personnel board of review to serve as state civil service commission.

Section 124.05 | State personnel board of review - powers and duties.

Section 124.04 | Department of administrative services powers, functions.

Section 124.05 | State personnel board of review - organization.

Section 124.06 | Civil service appointments - to be made in accordance with chapter.

Section 124.07 | Director of administrative services - employees, services and facilities.

Section 124.08 | Director of administrative services - offices.

Section 124.09 | Civil service powers of director of administrative services.

Section 124.10 | Garnishment actions against state employees and officers.

Section 124.11 | Unclassified service - classified service.

Section 124.12 | Notice of appointment to civil service.

Section 124.15 | Vacation leave.

Section 124.151 | Vacation leave for employees.

Section 124.152 | Disaster service leave.

Section 124.153 | Experimental leave and benefits program.

Section 124.154 | Vacation leave - employees exempt from collective bargaining.

Section 124.155 | Jury or trial participation leave - charitable advisory panel leave.

Section 124.156 | Parental leave and benefits.

**Do NOT click on this—
this section of ORC only
applies to vacation for
STATE employees**

Instead, we will need to look at Chapter 325 of the ORC. Here’s how to get there:

First, from the main menu for the Ohio Revised Code, select Title 3, "Counties"



The Legislative Service Commission staff updates the Revised Code on an ongoing basis, as it completes its act review of enacted legislation. Updates may be slower during some times of the year, depending on the volume of enacted legislation.

Ohio Revised Code

Title

- General Provisions
- Title 1 | State Government
- Title 5 | Counties**
- Title 5 | Townships
- Title 7 | Municipal Corporations
- Title 9 | Agriculture-Animals-Fences
- Title 11 | Banks-Savings and Loan Associations

**This is what
you are
looking for!**

Next, select Chapter 325, "Compensation"

Title 3 | Counties

Ohio Revised Code

Chapter

- Chapter 301 | Organization
- Chapter 302 | Alternative Form of County Government
- Chapter 303 | County Zoning; Renewal; Wind and Solar Genera
- Chapter 304 | Electronic Records and Signatures
- Chapter 305 | Board of County Commissioners - Generally
- Chapter 306 | County Transit System; Regional Transit Authori
- Chapter 307 | Board of County Commissioners - Powers
- Chapter 308 | Airport Authorities
- Chapter 309 | Prosecuting Attorney
- Chapter 311 | Sheriff
- Chapter 313 | Coroner
- Chapter 315 | Engineer
- Chapter 317 | Recorder
- Chapter 319 | Auditor
- Chapter 321 | Treasurer
- Chapter 322 | Real Property and Manufactured Home Transfer
- Chapter 323 | Collection of Taxes
- Chapter 325 | Compensation**
- Chapter 327 | County Board of Trustees of Sinking Fund

Click on this one next

But remember this: vacation
is a mandatory subject for
collective bargaining, so ORC
rules apply only to **non-
bargaining unit employees.**

From there, you're looking for Chapter 325.19, "Vacation leave – holiday pay"

Chapter 325 | Compensation

Ohio Revised Code / Title 3 Counties

Expand All

Close All

Section

Section 325.01 | Manner of paying officials - general county fund.

Section 325.02 | Salaries in lieu of fees - exception.

Section 325.03

Section 325.17 | Appointing and hiring employees - compensa

Section 325.18 | Salary increases for elected county officials.

Section 325.19 | Vacation leave - holiday pay.

Section 325.191 | Establishing programs for staff developme

Section 325.20 | County officer may attend convention at cou

We've finally
arrived!

So, just what does ORC
325.19 say regarding
vacation & County
employees?

- FT employees receive vacation after completion of 1 year of service with the County **or any political subdivision** of the state (meaning Ohio) ORC 325.19 (A) (1)
- General rule of thumb: if the individual paid into OPERS, STRS or SERS, count it as service with a political subdivision
- "One year of service" = the completion of 26 pay periods (this applies to how we measure each year going forward for vacation accrual purposes, as well) ORC 325.19 (A) (1)
- **Unless modified as permitted by statute** (see page 6), every FT County employee accrues vacation on this schedule ORC 325.19 (A) (1) :

Complete 1 year of service = 80 hours of vacation

Complete 8 years of service = 120 hours

Complete 15 years of service = 160 hours

Complete 25 years of service = 200 hours

- Rules concerning “**prior service**” for County employees & their vacation accrual are found in **ORC 9.44** (*rather than navigate there in this handout, here’s what it says*):

(A) Except as otherwise provided in this section, a person employed, other than as an elective officer, by the state or any political subdivision of the state, earning vacation credits currently, is entitled to have the employee's prior service with any of these employers counted as service with the state or any political subdivision of the state, for the purpose of computing the amount of the employee's vacation leave. The anniversary date of employment for the purpose of computing the amount of the employee's vacation leave, unless deferred pursuant to the appropriate law, ordinance, or regulation, is the anniversary date of such prior service.

(B) To determine prior service for the purpose of computing the amount of vacation leave for a person initially employed on or after July 5, 1987, by:

(1) A municipal corporation, the person shall have only prior service within that municipal corporation counted;

(2) A township, the person shall have only prior service with a township counted.

(C) An employee who has retired in accordance with the provisions of any retirement plan offered by the state and who is employed by the state or any political subdivision of the state on or after June 24, 1987, shall not have prior service with the state, any political subdivision of the state, or a regional council of government established in accordance with Chapter 167 of the Revised Code counted for the purpose of computing vacation leave.

- **“Prior service” applies to both the “first year of service” and subsequent vacation actual, but only FT service counts towards the “first year” requirement. Here’s an example:**

Pat worked part-time for Sylvania Township for 3 years before starting employment with Lucas County. She has no other qualifying prior service. She has to work for 1 year with Lucas County, but then after that, we would re-adjust her vacation accrual to include the part-time service.

- FT County employees who are scheduled to work less than 40 hours/week (or are scheduled to be paid for less than 40 hours per week—i.e., unpaid lunch) receive pro-rated vacation accrual **ORC 3251.19 (A) (2)**
- Similarly, a FT employee who is in active pay status for less than 80 hours (or whatever is considered to be “FT”) also accrues vacation hours on a pro-rated basis for that pay period **ORC 3251.19 (A) (3)**

Hold on! What a second! What about part-time employees?

Part-time employees may only accrue vacation if the Board of County Commissioners extends vacation to **all** County part-time employees by official resolution ORC 325.19 (B)

(Although they could also be covered by a collective bargaining agreement and get vacation that way)

An appointing authority **may** permit accrued but unused vacation to be carried over for up to 3 years in "special & meritorious cases" ORC 325.19 (C)

Accrued but unused balance is cashed out at the time of separation, including termination for cause & death ORC 325.19 (E)

What about unused vacation?

Now we'll shift gears & see what the ORC says about paid holidays for County employees...*

*But keep in mind that holidays are also a mandatory subject for collective bargaining...

Chapter 124 | Department of Administrative Services - Personnel

Ohio Revised Code / Title I State Government

Expand All Close All

Section

- Section 124.01 | Administrative personnel definitions.
- Section 124.01 | School civil service commissions.
- Section 124.02 | Director of administrative services; state personnel board of review commission.
- Section 124.03 | Personnel board of review powers and duties.
- Section 124.04 | Director of administrative services powers, duties, functions.
- Section 124.185 | One-time pay supplements.
- Section 124.19 | State holidays - university holidays.
- Section 124.20 | Classification rules - record keeping.
- Section 124.21 | Civil service districts.

Again, just like with vacation, do **NOT** look for the answer in Chapter 124!!!

This Section only applies to State employees!

The good news is we get to stay in Section 325.19 (yay!), specifically 325.19 (D) (1), which says that every FT County employee gets these paid holidays:

January 1st, New Year's Day
The third Monday in January, Martin Luther King Day
The third Monday in February, Washington-Lincoln Day
The last Monday in May, Memorial Day
June 19th, Juneteenth Day
July 4th, Independence Day
The first Monday in September, Labor Day
The second Monday in October, Columbus Day
November 11th, Veterans' Day
November 25th, Thanksgiving Day
December 25th, Christmas Day

*Note: for the actual **dates** of these holidays, we also need to look at ORC 1.14*

ORC 325.19 (D) (1) also says:

- If a holiday falls on a Saturday, it will be observed on the preceding Friday
- If a holiday falls on a Sunday, it will be observed on the following Monday
- If an employee has a work schedule that is other than Monday-Friday, the employee is entitled to holiday pay for holidays observed on the employee's day off

Thankfully, Section 325.19 (F) gives us a legal way to have a vacation or holiday schedule that differs from the ORC. Here's how:

This is all great info, but...our vacation accrual schedule and list of holidays don't match the ORC. How did that happen, & who broke the law?

- Any County appointing authority that **doesn't** have a bargaining unit may, upon notification to the Board of County Commissioners, establish an alternative schedule of vacation leave & holidays **as long as that alternative schedule doesn't diminish what the ORC guarantees**.
- Any County appointing authority that **does** have one or more bargaining units may, upon notification to the Board of County Commissioners,

establish an alternative schedule of vacation leave & holidays for their non-bargaining unit employees **as long as that alternative schedule is not inconsistent with the terms of at least one of the appointing authority's collective bargaining agreements.**

- “Alternative schedules” applies to vacation carry-over & cash-outs, too.

Lastly, what does the ORC say about Jury Duty/Court Leave and Personal Leave for County employees?

Similar to vacation & holidays:

- These leaves are mandatory subjects of collective bargaining
- We really won't find the applicable statutes covering these leaves for County employees in Chapter 124

Section 124.135 (“Jury or Trial Participation Leave”) and **Section 124.386** (“Personal Leave”) do exist, but they **apply only to State employees.**

There are **no** Sections in the Ohio Revised Code that specifically address either of these kinds of leave for County employees. But many County appointing authorities still grant these leaves. How? One way is through collective bargaining. **But how can these leaves be extended to non-bargaining unit employees?**

ORC Section 124.39 gives us a path. We'll look at this Section in greater detail next session, but for now, just know that **124.39 (C)** states that a “political subdivision” (*which includes counties*) can “adopt policies similar to the provisions contained in... 124.386”, which is where we find personal leave for state employees.

Best advice is to **a)** make sure that collective bargaining agreements contain clear language and **b)** address these two types of leave through written policy for non-bargaining unit employees.