

2007-2008
OHIO CIVIL SERVICE &
COLLECTIVE BARGAINING
LAWS & RULES
ANNOTATED

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Ohio Revised Code complete to February 1, 2007
Ohio Administrative Code complete to November 30, 2006



124.134 Vacation leave for employees exempt from collective bargaining law (later effective date)

Note: See also preceding version of this section, in effect until 7-1-07.

(A) Each full-time permanent state employee paid in accordance with section 124.152 of the Revised Code and those employees listed in divisions (B)(2) and (4) of section 124.14 of the Revised Code, after service of one year, shall have earned and will be due upon the attainment of the first year of employment, and annually thereafter, eighty hours of vacation leave with full pay. One year of service shall be computed on the basis of twenty-six biweekly pay periods. A full-time permanent state employee with five or more years of service shall have earned and is entitled to one hundred twenty hours of vacation leave with full pay. A full-time permanent state employee with ten or more years of service shall have earned and is entitled to one hundred sixty hours of vacation leave with full pay. A full-time permanent state employee with fifteen or more years of service shall have earned and is entitled to one hundred eighty hours of vacation leave with full pay. A full-time permanent state employee with twenty or more years of service shall have earned and is entitled to two hundred hours of vacation leave with full pay. A full-time permanent state employee with twenty-five or more years of service shall have earned and is entitled to two hundred forty hours of vacation leave with full pay. Such vacation leave shall accrue to the employee at the rate of three and one-tenth hours each biweekly period for those entitled to eighty hours per year; four and six-tenths hours each biweekly period for those entitled to one hundred twenty hours per year; six and two-tenths hours each biweekly period for those entitled to one hundred sixty hours per year; six and nine-tenths hours each biweekly period for those entitled to one hundred eighty hours per year; seven and seven-tenths hours each biweekly period for those entitled to two hundred hours per year; and nine and two-tenths hours each biweekly period for those entitled to two hundred forty hours per year.

The amount of an employee's service shall be determined in accordance with the standard specified in section 9.44 of the Revised Code. Credit for prior service, including an increased vacation accrual rate and longevity supplement, shall take effect during the first pay period that begins immediately following the date the director of administrative services approves granting credit for that prior service. No employee, other than an employee who submits proof of prior service within ninety days after the date of the employee's hiring, shall receive any amount of vacation leave for the period prior to the date of the director's approval of the grant of credit for prior service.

Part-time permanent employees who are paid in accordance with section 124.152 of the Revised Code and full-time permanent employees subject to this section who are in active pay status for less than eighty hours in a pay period shall earn vacation leave on a prorated basis. The ratio between the hours worked and the vacation hours earned by these classes of employees shall

be the same as the ratio between the hours worked and the vacation hours earned by a full-time permanent employee with the same amount of service as provided for in this section.

Vacation leave is not available for use until it appears on the employee's earning statement and the compensation described in the earning statement is available to the employee.

(B) Employees granted leave under this section shall forfeit their right to take or to be paid for any vacation leave to their credit which is in excess of the accrual for three years. Any excess leave shall be eliminated from the employees' leave balance. If an employee's vacation leave credit is at, or will reach in the immediately following pay period, the maximum of the accrual for three years and the employee has been denied the use of vacation leave during the immediately preceding twelve months, the employee, at the employee's request, shall be paid in a pay period for the vacation leave the employee was denied, up to the maximum amount the employee would be entitled to be paid for in any pay period. An employee is not entitled to receive payment for vacation leave denied in any pay period in which the employee's vacation leave credit is not at, or will not reach in the immediately following pay period, the maximum of accrual for three years. Any vacation leave for which an employee receives payment shall be deducted from the employee's vacation leave balance. Payment shall not be made for any leave accrued in the same calendar year in which the payment is made.

(C) Upon separation from state service, an employee granted leave under this section is entitled to compensation at the employee's current rate of pay for all unused vacation leave accrued under this section or section 124.13 of the Revised Code to the employee's credit. In case of transfer of an employee from one state agency to another, the employee shall retain the accrued and unused vacation leave. In case of the death of an employee, the unused vacation leave shall be paid in accordance with section 2113.04 of the Revised Code, or to the employee's estate. An employee serving in a temporary work level who is eligible to receive compensation under this division shall be compensated at the base rate of pay of the employee's normal classification.

(2006 H 187, eff. 7-1-07; 2006 H 530, eff. 6-30-06; 1998 S 144, eff. 3-30-99; 1995 S 99, eff. 10-25-95; 1993 H 152, eff. 7-1-93; 1987 H 178)

Note: See also preceding version of this section, in effect until 7-1-07.

Uncodified Law

2006 H 187, § 5: See Uncodified Law under RC 124.01.

Ohio Administrative Code References

Charge of sick leave, vacation leave, and personal leave and compensation for sick leave, OAC 123:1-32-01

Library References

States ⇨60.2.

Westlaw Topic No. 360.

C.J.S. States § 104-108.

Research References

Encyclopedias

OH Jur. 3d Cvl. Servants & Pub. Officers & Employ. § 195, Particular Statutory Allowances of Leaves of Absence.

Notes of Decisions

Accrued and unused vacation 1

1. Accrued and unused vacation

Vacation leave, as granted by statute governing such leave for full-time permanent state employees exempt from collective bargaining, accrued at

specified periodic rates and became vested after employee worked the requisite number of hours to earn it and, therefore, prospective deduction of vacation leave, as a disciplinary sanction, before it accrued did not affect employee's vested right. *Harden v. Ohio Atty. Gen.* (Ohio, 02-11-2004) 101 Ohio St.3d 137, 802 N.E.2d 1112, 2004-Ohio-382. States ⇨ 60.2

Although state employee arguably waived any issue regarding vacation time earned subsequent to a disciplinary order, by only raising claim regarding the vacation time he had already earned, Supreme Court would review employee's claim regarding future vacation leave, where Court of Appeals broadened issue presented for review and held that although vacation time already earned could not be reduced, subsequent accrual of vacation time could be reduced, and Attorney General did not challenge the appellate court's decision disallowing deduction of accrued vacation time. *Harden v. Ohio Atty. Gen.* (Ohio, 02-11-2004) 101 Ohio St.3d 137, 802 N.E.2d 1112, 2004-Ohio-382. States ⇨ 60.2

State employee was not entitled, in his mandamus action to compel his former state agency employer to credit him for prior service, to monetary sum for his accrued, unused vacation leave, but instead was properly awarded only vacation credit, as employee waived issue by not claiming entitlement to monetary sum in Court of Appeals, employee produced no evidence that he would have elected to cash out his vacation credit upon transferring, and employee did not establish monetary amount of vacation credit with certainty. *State ex rel. Reyna v. Natalucci-Perisich* (Ohio, 09-23-1998) 83 Ohio St.3d 194, 699 N.E.2d 76, 1998-Ohio-1019. States ⇨ 64(2)

State Personnel Board of Review could not strip state employee of previously accrued vacation pay as a means of discipline, although vacation pay could be reduced as it was accrued in the future. *Harden v. Ohio Atty. Gen., Bur. of Crim. Identification & Investigation* (Ohio App. 10 Dist., 08-13-2002) 149 Ohio App.3d 10, 775 N.E.2d 570, 2002-Ohio-429; appeal allowed 98 Ohio St.3d 1421, 782 N.E.2d 76, 2003-Ohio-259, affirmed 101 Ohio St.3d 137, 802 N.E.2d 1112, 2004-Ohio-382. Officers and Public Employees ⇨ 101.5(1)

124.135 Miscellaneous paid and discretionary leave for employees

(A) State employees are entitled to paid leave when summoned for jury duty by a court of competent jurisdiction.

(B) State employees are entitled to paid leave when subpoenaed to appear before any court, commission, board, or other legally constituted body authorized by law to compel the attendance of witnesses. This division does not apply if the state employee is a party to the action or proceeding involved or is subpoenaed as a result of secondary employment outside the service of the state.

(C) Each full-time permanent state employee paid in accordance with section 124.152 of the Revised Code and those employees described in divisions (B)(2) and (4) of section 124.14 of the Revised Code also may be entitled, in their appointing authority's discretion, to paid leave when appointed to serve on advisory boards or commissions or when soliciting for charities for which payroll deductions are made.

(2006 H 530, eff. 6-30-06; 1994 H 715, eff. 7-22-94)

Ohio Administrative Code References

Civic duty leave, OAC 123:1-34-03

Library References

States ⇨60.2.

Westlaw Topic No. 360.

C.J.S. States § 104-108.

124.136 Parental leave

(A)(1) Each permanent full-time and permanent part-time employee paid in accordance with section 124.152 of the Revised Code and each employee listed in division (B)(2) or (4) of section 124.14 of the Revised Code who works thirty or more hours per week, and who meets the requirement of division (A)(2) of this