

As Introduced

133rd General Assembly

Regular Session

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H. B. No. 398

Representatives Crawley, Sweeney

**Cosponsors: Representatives Miranda, Smith, K., O'Brien, Russo, Sobecki,
Crossman, West, Miller, J., Weinstein, Lepore-Hagan, Boggs**

A BILL

To amend sections 1.14, 5.20, 124.19, 325.19, 1
511.10, 1345.21, 3313.63, and 3319.087 of the 2
Revised Code to establish the day of each 3
general election as a legal holiday for which 4
government employees receive paid leave. 5

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 1.14, 5.20, 124.19, 325.19, 6
511.10, 1345.21, 3313.63, and 3319.087 of the Revised Code be 7
amended to read as follows: 8

Sec. 1.14. The time within which an act is required by law 9
to be done shall be computed by excluding the first and 10
including the last day; except that, when the last day falls on 11
Sunday or a legal holiday, the act may be done on the next 12
succeeding day that is not Sunday or a legal holiday. 13

When a public office in which an act, required by law, is 14
to be performed is closed to the public for the entire day that 15
constitutes the last day for doing the act or before its usual 16
closing time on that day, the act may be performed on the next 17

succeeding day that is not a Sunday or a legal holiday as 18
defined in this section. 19

"Legal holiday" as used in this section means the 20
following days: 21

(A) The first day of January, known as New Year's day; 22

(B) The third Monday in January, known as Martin Luther 23
King day; 24

(C) The third Monday in February, known as Washington- 25
Lincoln day; 26

(D) The day designated in the "Act of June 28, 1968," 82 27
Stat. 250, 5 U.S.C. 6103, as amended, for the commemoration of 28
Memorial day; 29

(E) The fourth day of July, known as Independence day; 30

(F) The first Monday in September, known as Labor day; 31

(G) The second Monday in October, known as Columbus day; 32

(H) The first Tuesday after the first Monday in November, 33
known as Election day; 34

(I) The eleventh day of November, known as Veterans' day; 35

~~(I)~~ (J) The fourth Thursday in November, known as 36
Thanksgiving day; 37

~~(J)~~ (K) The twenty-fifth day of December, known as 38
Christmas day; 39

~~(K)~~ (L) Any day appointed and recommended by the governor 40
of this state or the president of the United States as a 41
holiday. 42

If any day designated in this section as a legal holiday 43

falls on Sunday, the next succeeding day is a legal holiday. 44

Sec. 5.20. The first Tuesday after the first Monday in 45
November of each year, ~~between the hours of twelve noon, eastern~~ 46
~~standard time, and five thirty p.m., eastern standard time,~~ is a 47
legal holiday. 48

Sec. 124.19. (A) State holidays shall be the first day of 49
January, the third Monday in January, the third Monday in 50
February, the day designated in the "Act of June 28, 1968," 82 51
Stat. 250, 5 U.S.C. 6103, as amended, for the commemoration of 52
Memorial day, the fourth day of July, the first Monday in 53
September, the second Monday in October, the first Tuesday after 54
the first Monday in November, the eleventh day of November, the 55
fourth Thursday in November, the twenty-fifth day of December, 56
and any day appointed and recommended by the governor of this 57
state or the president of the United States. Employees shall be 58
paid for these holidays as specified in section 124.18 of the 59
Revised Code. 60

(B) The board of trustees of a community college, 61
technical college, state community college, or state university 62
or college as defined in division (A) (1) of section 3345.12 of 63
the Revised Code may, for all employees of the college or 64
university, observe on days other than those specified in 65
division (A) of this section any of the holidays otherwise 66
observed on the third Monday in January, the third Monday in 67
February, and the second Monday in October. 68

Sec. 325.19. (A) (1) The granting of vacation leave under 69
division (A) (1) of this section is subject to divisions (A) (2) 70
and (3) of this section. Each full-time employee in the several 71
offices and departments of the county service, including full- 72
time hourly rate employees, after service of one year with the 73

county or any political subdivision of the state, shall have 74
earned and will be due upon the attainment of the first year of 75
employment, and annually thereafter, eighty hours of vacation 76
leave with full pay. One year of service shall be computed on 77
the basis of twenty-six biweekly pay periods. A full-time county 78
employee with eight or more years of service with the county or 79
any political subdivision of the state shall have earned and is 80
entitled to one hundred twenty hours of vacation leave with full 81
pay. A full-time county employee with fifteen or more years of 82
service with the county or any political subdivision of the 83
state shall have earned and is entitled to one hundred sixty 84
hours of vacation leave with full pay. A full-time county 85
employee with twenty-five years of service with the county or 86
any political subdivision of the state shall have earned and is 87
entitled to two hundred hours of vacation leave with full pay. 88
Such vacation leave shall accrue to the employee at the rate of 89
three and one-tenth hours each biweekly period for those 90
entitled to eighty hours per year; four and six-tenths hours 91
each biweekly period for those entitled to one hundred twenty 92
hours per year; six and two-tenths hours each biweekly period 93
for those entitled to one hundred sixty hours per year; and 94
seven and seven-tenths hours each biweekly period for those 95
entitled to two hundred hours per year. 96

The appointing authorities of the offices and departments 97
of the county service may permit all or any part of a person's 98
prior service with any regional council of government 99
established in accordance with Chapter 167. of the Revised Code 100
to be considered service with the county or a political 101
subdivision of the state for the purpose of determining years of 102
service under this division. 103

(2) Full-time employees granted vacation leave under 104

division (A) (1) of this section who render any standard of 105
service other than forty hours per week as described in division 106
(K) of this section and who are in active pay status in a 107
biweekly pay period, shall accrue a number of hours of vacation 108
leave during each such pay period that bears the same ratio to 109
the number of hours specified in division (A) (1) of this section 110
as their number of hours which are accepted as full-time in 111
active pay status, excluding overtime hours, bears to eighty 112
hours. 113

(3) Full-time employees granted vacation leave under 114
division (A) (1) of this section who are in active pay status in 115
a biweekly pay period for less than eighty hours or the number 116
of hours of service otherwise accepted as full-time by their 117
employing office or department shall accrue a number of hours of 118
vacation leave during that pay period that bears the same ratio 119
to the number of hours specified in division (A) (1) of this 120
section as their number of hours in active pay status, excluding 121
overtime hours, bears to eighty or the number of hours of 122
service accepted as full-time, whichever is applicable. 123

(B) A board of county commissioners, by resolution, may 124
grant vacation leave with full pay to part-time county 125
employees. A part-time county employee shall be eligible for 126
vacation leave with full pay upon the attainment of the first 127
year of employment, and annually thereafter. The ratio between 128
the hours worked and the vacation hours awarded to a part-time 129
employee shall be the same as the ratio between the hours worked 130
and the vacation hours earned by a full-time employee as 131
provided for in this section. 132

(C) Days specified as holidays in section 124.19 of the 133
Revised Code shall not be charged to an employee's vacation 134

leave. Vacation leave shall be taken by the employee during the 135
year in which it accrued and prior to the next recurrence of the 136
anniversary date of the employee's employment, provided that the 137
appointing authority may, in special and meritorious cases, 138
permit such employee to accumulate and carry over the employee's 139
vacation leave to the following year. No vacation leave shall be 140
carried over for more than three years. An employee is entitled 141
to compensation, at the employee's current rate of pay, for the 142
prorated portion of any earned but unused vacation leave for the 143
current year to the employee's credit at time of separation, and 144
in addition shall be compensated for any unused vacation leave 145
accrued to the employee's credit, with the permission of the 146
appointing authority, for the three years immediately preceding 147
the last anniversary date of employment. 148

(D) (1) In addition to vacation leave, a full-time county 149
employee is entitled to eight hours of holiday pay for New 150
Year's day, Martin Luther King day, Washington-Lincoln day, 151
Memorial day, Independence day, Labor day, Columbus day, 152
Election day, Veterans' day, Thanksgiving day, and Christmas 153
day, of each year. Except as provided in division (D) (2) of this 154
section, holidays shall occur on the days specified in section 155
1.14 of the Revised Code. If any of those holidays fall on 156
Saturday, the Friday immediately preceding shall be observed as 157
the holiday. If any of those holidays fall on Sunday, the Monday 158
immediately succeeding shall be observed as the holiday. If an 159
employee's work schedule is other than Monday through Friday, 160
the employee is entitled to holiday pay for holidays observed on 161
the employee's day off regardless of the day of the week on 162
which they are observed. 163

(2) (a) When a classified employee of a county board of 164
developmental disabilities works at a site maintained by a 165

government entity other than the board, such as a public school, 166
the board may adjust the employee's holiday schedule to conform 167
to the schedule adopted by the government entity. Under an 168
adjusted holiday schedule, an employee shall receive the number 169
of hours of holiday pay granted under division (D) (1) of this 170
section. 171

(b) Pursuant to division (J) (6) of section 339.06 of the 172
Revised Code, a county hospital may observe Martin Luther King 173
day, Washington-Lincoln day, Columbus day, and Veterans' day on 174
days other than those specified in section 1.14 of the Revised 175
Code. 176

(E) In the case of the death of a county employee, the 177
unused vacation leave and unpaid overtime to the credit of the 178
employee shall be paid in accordance with section 2113.04 of the 179
Revised Code, or to the employee's estate. 180

(F) Notwithstanding this section or any other section of 181
the Revised Code, any appointing authority of a county office, 182
department, commission, board, or body may, upon notification to 183
the board of county commissioners, establish alternative 184
schedules of vacation leave and holidays for employees of the 185
appointing authority for whom the state employment relations 186
board has not established an appropriate bargaining unit 187
pursuant to section 4117.06 of the Revised Code, as long as the 188
alternative schedules are not inconsistent with the provisions 189
of at least one collective bargaining agreement covering other 190
employees of that appointing authority, if such an agreement 191
exists. If no such collective bargaining agreement exists, an 192
appointing authority, upon notification to the board of county 193
commissioners, may establish an alternative schedule of vacation 194
leave and holidays for its employees that does not diminish the 195

vacation leave and holiday benefits granted by this section.	196
(G) The employees of a county children services board that establishes vacation benefits under section 5153.12 of the Revised Code are exempt from division (A) of this section.	197 198 199
(H) The provisions of this section do not apply to superintendents and management employees of county boards of developmental disabilities.	200 201 202
(I) Division (A) of this section does not apply to an employee of a county board of developmental disabilities who works at, or provides transportation services to pupils of, a special education program provided by the county board pursuant to division (A) (4) of section 5126.05 of the Revised Code, if the employee's employment is based on a school year and the employee is not subject to a contract with the county board that provides for division (A) of this section to apply to the employee.	203 204 205 206 207 208 209 210 211
(J) Notwithstanding division (C) of this section or any other section of the Revised Code, if a separation from county service occurs in connection with the lease, sale, or other transfer of all or substantially all the business and assets of a county hospital organized under Chapter 339. of the Revised Code to a private corporation or other entity, the appointing authority shall have no obligation to pay any compensation with respect to unused vacation leave accrued to the credit of an employee who accepts employment with the acquiring corporation or other entity, if at the effective time of separation the acquiring corporation or other entity expressly assumes such unused vacation leave accrued to the employee's credit.	212 213 214 215 216 217 218 219 220 221 222 223
(K) As used in this section:	224

(1) "Full-time employee" means an employee whose regular hours of service for a county total forty hours per week, or who renders any other standard of service accepted as full-time by an office, department, or agency of county service.

(2) "Part-time employee" means an employee whose regular hours of service for a county total less than forty hours per week, or who renders any other standard of service accepted as part-time by an office, department, or agency of county service, and whose hours of county service total at least five hundred twenty hours annually.

(3) "Management employee" has the same meaning as in section 5126.20 of the Revised Code.

Sec. 511.10. The board of township trustees may appoint such superintendents, architects, clerks, laborers, and other employees as are necessary and fix their compensation. Any person so appointed may be removed by a majority of the members of such board at any time.

Any township employee working on a salary or hourly basis is entitled to eight hours of holiday pay for New Year's day, Martin Luther King day, Washington-Lincoln day, Memorial day, Independence day, Labor day, Columbus day, Election day, Veterans' day, Thanksgiving day, and Christmas day, of each year, provided that the employee is a regular employee with at least six months full-time township service prior to the month when such holiday occurs. Holidays shall occur on the days specified in section 1.14 of the Revised Code.

The board of township trustees may purchase or lease uniforms for laborers or other employees engaged in the maintenance of township property.

Sec. 1345.21. As used in sections 1345.21 to 1345.28 of	254
the Revised Code:	255
(A) "Home solicitation sale" means a sale of consumer	256
goods or services in which the seller or a person acting for the	257
seller engages in a personal solicitation of the sale at a	258
residence of the buyer, including solicitations in response to	259
or following an invitation by the buyer, and the buyer's	260
agreement or offer to purchase is there given to the seller or a	261
person acting for the seller, or in which the buyer's agreement	262
or offer to purchase is made at a place other than the seller's	263
place of business. It does not include a transaction or	264
transactions in which:	265
(1) The total purchase price to be paid by the buyer,	266
whether under single or multiple contracts, is less than twenty-	267
five dollars;	268
(2) The transaction was conducted and consummated entirely	269
by mail or by telephone if initiated by the buyer, and without	270
any other contact between the seller or the seller's	271
representative prior to the delivery of goods or performance of	272
the service;	273
(3) The final agreement is made pursuant to prior	274
negotiations in the course of a visit by the buyer to a retail	275
business establishment having a fixed permanent location where	276
the goods are exhibited or the services are offered for sale on	277
a continuing basis;	278
(4) The buyer initiates the contact between the parties	279
for the purpose of negotiating a purchase and the seller has a	280
business establishment at a fixed location in this state where	281
the goods or services involved in the transaction are regularly	282

offered or exhibited for sale.	283
Advertisements by such a seller in newspapers, magazines,	284
catalogues, radio, or television do not constitute the seller	285
initiation of the contact.	286
(5) The buyer initiates the contact between the parties,	287
the goods or services are needed to meet a bona fide immediate	288
personal emergency of the buyer which will jeopardize the	289
welfare, health, or safety of natural persons, or endanger	290
property which the buyer owns or for which the buyer is	291
responsible, and the buyer furnishes the seller with a separate,	292
dated, and signed statement in the buyer's handwriting	293
describing the situation requiring immediate remedy and	294
expressly acknowledging and waiving the right to cancel the sale	295
within three business days;	296
(6) The buyer has initiated the contact between the	297
parties and specifically requested the seller to visit the	298
buyer's home for the purpose of repairing or performing	299
maintenance upon the buyer's personal property. If, in the	300
course of such a visit, the seller sells the buyer additional	301
services or goods other than replacement parts necessarily used	302
in performing the maintenance or in making the repairs, the sale	303
of those additional goods or services does not fall within this	304
exclusion.	305
(7) The buyer is accorded the right of rescission by the	306
"Consumer Credit Protection Act," (1968) 82 Stat. 152, 15 U.S.C.	307
1635, or regulations adopted pursuant to it.	308
(B) "Sale" includes a lease or rental.	309
(C) "Seller" includes a lessor or anyone offering goods	310
for rent.	311

(D) "Buyer" includes a lessee or anyone who gives a	312
consideration for the privilege of using goods.	313
(E) "Consumer goods or services" means goods or services	314
purchased, leased, or rented primarily for personal, family, or	315
household purposes, including courses or instruction or training	316
regardless of the purpose for which they are taken.	317
(F) "Consumer goods or services" does not include goods or	318
services pertaining to any of the following:	319
(1) Sales or rentals of real property by a real estate	320
broker or salesperson, or by a foreign real estate dealer or	321
salesperson, who is licensed by the Ohio real estate commission	322
under Chapter 4735. of the Revised Code;	323
(2) The sale of securities or commodities by a broker-	324
dealer registered with the securities and exchange commission;	325
(3) The sale of securities or commodities by a securities	326
dealer or salesperson licensed by the division of securities	327
under Chapter 1707. of the Revised Code;	328
(4) The sale of insurance by a person licensed by the	329
superintendent of insurance;	330
(5) Goods sold or services provided by automobile dealers	331
and salespersons licensed by the registrar of motor vehicles	332
under Chapter 4517. of the Revised Code;	333
(6) The sale of property at an auction by an auctioneer	334
licensed by the department of agriculture under Chapter 4707. of	335
the Revised Code.	336
(G) "Purchase price" means the total cumulative price of	337
the consumer goods or services, including all interest and	338
service charges.	339

(H) "Place of business" means the main office, or a 340
permanent branch office or permanent local address of a seller. 341

(I) "Business day" means any calendar day except Sunday, 342
or the following business holidays: New Year's day, Martin 343
Luther King day, Presidents' day, Memorial day, Independence 344
day, Labor day, Columbus day, the first Tuesday after the first 345
Monday in November, Veterans day, Thanksgiving day, and 346
Christmas day. 347

Sec. 3313.63. Boards of education may dismiss the schools 348
under their control on the first day of January, the third 349
Monday in January, the third Monday in February, the day 350
designated in the "Act of June 28, 1968," 82 Stat. 250, 5 U.S.C. 351
6103, as amended, for the commemoration of Memorial day, the 352
fourth day of July, the first Monday in September, the second 353
Monday in October, the first Tuesday after the first Monday in 354
November, the eleventh day of November, or the succeeding Monday 355
when that day falls on a Sunday, the fourth Thursday in 356
November, and the twenty-fifth day of December, on any day set 357
apart by proclamation of the president of the United States or 358
the governor of this state as a day of fast, thanksgiving, or 359
mourning, or on the days approved by the board for teachers' 360
attendance at an educational meeting. 361

Sec. 3319.087. Notwithstanding section 3319.086 of the 362
Revised Code, all regular nonteaching school employees employed 363
on an eleven or twelve month basis, whether salaried or 364
compensated on an hourly or per diem basis, are entitled to a 365
minimum of the following holidays for which they shall be paid 366
their regular salary or their regular rate of pay, provided each 367
such employee accrued earnings on ~~his~~ the employee's next 368
preceding and ~~his~~ next following scheduled work days before and 369

after such holiday or was properly excused from attendance at 370
work on either or both of those days: New Year's day, Martin 371
Luther King day, Memorial day, Independence day, Labor day, 372
Election day, Thanksgiving day, and Christmas day of each year. 373
All regular nonteaching school employees employed on a nine or 374
ten month basis, whether salaried or compensated on an hourly or 375
per diem basis, are entitled to a minimum of the following 376
holidays for which they shall be paid their regular salary or 377
their regular rate of pay, provided each such employee accrued 378
earnings on ~~his~~ the employee's next preceding and next following 379
scheduled work days before and after such holiday or was 380
properly excused from attendance at work on either or both of 381
those days: New Year's day, Martin Luther King day, Memorial 382
day, Labor day, Election day, Thanksgiving day, and Christmas 383
day of each year. Regular nonteaching school employees employed 384
less than nine months shall be entitled to a minimum of those 385
holidays enumerated in this section which fall during the 386
employees' time of employment. In addition to the above named 387
holidays, a board of education may declare any other day, except 388
days approved for teachers' attendance at an educational 389
meeting, as a holiday and shall pay to all such regular 390
nonteaching school employees, whether salaried or compensated on 391
an hourly or per diem basis, their regular salary or their 392
regular rate of pay. When any employee is required by ~~his~~ the 393
employee's responsible administrative superior to work on any of 394
the paid holidays, ~~he~~ the employee shall be granted compensatory 395
time off for which ~~he~~ the employee shall be paid ~~his~~ the 396
employee's regular salary or ~~at his~~ regular rate of pay, or a 397
board of education may establish a premium rate of pay for work 398
performed on a paid holiday. Holidays shall occur on the days 399
specified in section 1.14 of the Revised Code. 400

For purposes of determining whether a person who is not in 401
the employ of a board of education on Labor day is in compliance 402
with the requirement of this section that states that in order 403
for a nonteaching employee to be eligible for Labor day holiday 404
pay ~~he~~ the employee must have accrued earnings on the scheduled 405
work day immediately preceding Labor day or have been excused 406
from attendance at work on that day, a board of education shall 407
count the employee's last scheduled work day of ~~his~~ the 408
employee's preceding period of employment as ~~his~~ the employee's 409
last scheduled day of employment for purposes of this 410
requirement. 411

For the purposes of this section, "employed" and "time of 412
employment" mean the period from the initial date of employment 413
to the termination of employment with that school district. 414

Section 2. That existing sections 1.14, 5.20, 124.19, 415
325.19, 511.10, 1345.21, 3313.63, and 3319.087 of the Revised 416
Code are hereby repealed. 417