

As Introduced

**134th General Assembly
Regular Session
2021-2022**

S. B. No. 78

Senators Craig, Brenner

**Cosponsors: Senators Maharath, Thomas, Sykes, Kunze, Antonio, Fedor, Yuko,
Williams**

A BILL

To amend sections 1.14, 5.2247, 124.19, 325.19, 1
511.10, 1345.21, 3313.63, and 3319.087 of the 2
Revised Code to establish the nineteenth of June 3
as Juneteenth, 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, 5.2247, 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 nineteenth day of June, known as Juneteenth day; 30

(F) The fourth day of July, known as Independence day; 31

~~(F)~~ (G) The first Monday in September, known as Labor day; 32

~~(G)~~ (H) The second Monday in October, known as Columbus 33
day; 34

~~(H)~~ (I) The eleventh day of November, known as Veterans' 35
day; 36

~~(I)~~ (J) The fourth Thursday in November, known as 37
Thanksgiving day; 38

~~(J)~~ (K) The twenty-fifth day of December, known as 39
Christmas day; 40

~~(K)~~ (L) Any day appointed and recommended by the governor 41
of this state or the president of the United States as a 42
holiday. 43

If any day designated in this section as a legal holiday 44
falls on Sunday, the next succeeding day is a legal holiday. 45

Sec. 5.2247. The nineteenth day of June is designated as 46
"Juneteenth~~National Freedom Day~~" to acknowledge the freedom, 47
history, and culture that June 19, 1865, the day on which the 48
last slaves in the United States were set free in Texas, has 49
come to symbolize. This day is a legal holiday. 50

Sec. 124.19. (A) State holidays shall be the first day of 51
January, the third Monday in January, the third Monday in 52
February, the day designated in the "Act of June 28, 1968," 82 53
Stat. 250, 5 U.S.C. 6103, as amended, for the commemoration of 54
Memorial day, the nineteenth day of June, the fourth day of 55
July, the first Monday in September, the second Monday in 56
October, the eleventh day of November, the fourth Thursday in 57
November, the twenty-fifth day of December, and any day 58
appointed and recommended by the governor of this state or the 59
president of the United States. Employees shall be paid for 60
these holidays as specified in section 124.18 of the Revised 61
Code. 62

(B) The board of trustees of a community college, 63
technical college, state community college, or state university 64
or college as defined in division (A) (1) of section 3345.12 of 65
the Revised Code may, for all employees of the college or 66
university, observe on days other than those specified in 67
division (A) of this section any of the holidays otherwise 68
observed on the third Monday in January, the third Monday in 69
February, and the second Monday in October. 70

Sec. 325.19. (A) (1) The granting of vacation leave under 71
division (A) (1) of this section is subject to divisions (A) (2) 72
and (3) of this section. Each full-time employee in the several 73

offices and departments of the county service, including full- 74
time hourly rate employees, after service of one year with the 75
county or any political subdivision of the state, shall have 76
earned and will be due upon the attainment of the first year of 77
employment, and annually thereafter, eighty hours of vacation 78
leave with full pay. One year of service shall be computed on 79
the basis of twenty-six biweekly pay periods. A full-time county 80
employee with eight or more years of service with the county or 81
any political subdivision of the state shall have earned and is 82
entitled to one hundred twenty hours of vacation leave with full 83
pay. A full-time county employee with fifteen or more years of 84
service with the county or any political subdivision of the 85
state shall have earned and is entitled to one hundred sixty 86
hours of vacation leave with full pay. A full-time county 87
employee with twenty-five years of service with the county or 88
any political subdivision of the state shall have earned and is 89
entitled to two hundred hours of vacation leave with full pay. 90
Such vacation leave shall accrue to the employee at the rate of 91
three and one-tenth hours each biweekly period for those 92
entitled to eighty hours per year; four and six-tenths hours 93
each biweekly period for those entitled to one hundred twenty 94
hours per year; six and two-tenths hours each biweekly period 95
for those entitled to one hundred sixty hours per year; and 96
seven and seven-tenths hours each biweekly period for those 97
entitled to two hundred hours per year. 98

The appointing authorities of the offices and departments 99
of the county service may permit all or any part of a person's 100
prior service with any regional council of government 101
established in accordance with Chapter 167. of the Revised Code 102
to be considered service with the county or a political 103
subdivision of the state for the purpose of determining years of 104

service under this division. 105

(2) Full-time employees granted vacation leave under 106
division (A) (1) of this section who render any standard of 107
service other than forty hours per week as described in division 108
(K) of this section and who are in active pay status in a 109
biweekly pay period, shall accrue a number of hours of vacation 110
leave during each such pay period that bears the same ratio to 111
the number of hours specified in division (A) (1) of this section 112
as their number of hours which are accepted as full-time in 113
active pay status, excluding overtime hours, bears to eighty 114
hours. 115

(3) Full-time employees granted vacation leave under 116
division (A) (1) of this section who are in active pay status in 117
a biweekly pay period for less than eighty hours or the number 118
of hours of service otherwise accepted as full-time by their 119
employing office or department shall accrue a number of hours of 120
vacation leave during that pay period that bears the same ratio 121
to the number of hours specified in division (A) (1) of this 122
section as their number of hours in active pay status, excluding 123
overtime hours, bears to eighty or the number of hours of 124
service accepted as full-time, whichever is applicable. 125

(B) A board of county commissioners, by resolution, may 126
grant vacation leave with full pay to part-time county 127
employees. A part-time county employee shall be eligible for 128
vacation leave with full pay upon the attainment of the first 129
year of employment, and annually thereafter. The ratio between 130
the hours worked and the vacation hours awarded to a part-time 131
employee shall be the same as the ratio between the hours worked 132
and the vacation hours earned by a full-time employee as 133
provided for in this section. 134

(C) Days specified as holidays in section 124.19 of the Revised Code shall not be charged to an employee's vacation leave. Vacation leave shall be taken by the employee during the year in which it accrued and prior to the next recurrence of the anniversary date of the employee's employment, provided that the appointing authority may, in special and meritorious cases, permit such employee to accumulate and carry over the employee's vacation leave to the following year. No vacation leave shall be carried over for more than three years. An employee is entitled to compensation, at the employee's current rate of pay, for the prorated portion of any earned but unused vacation leave for the current year to the employee's credit at time of separation, and in addition shall be compensated for any unused vacation leave accrued to the employee's credit, with the permission of the appointing authority, for the three years immediately preceding the last anniversary date of employment.

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

(2) (a) When a classified employee of a county board of developmental disabilities works at a site maintained by a government entity other than the board, such as a public school, the board may adjust the employee's holiday schedule to conform to the schedule adopted by the government entity. Under an adjusted holiday schedule, an employee shall receive the number of hours of holiday pay granted under division (D) (1) of this section.

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

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

(F) Notwithstanding this section or any other section of the Revised Code, any appointing authority of a county office, department, commission, board, or body may, upon notification to the board of county commissioners, establish alternative schedules of vacation leave and holidays for employees of the appointing authority for whom the state employment relations board has not established an appropriate bargaining unit pursuant to section 4117.06 of the Revised Code, as long as the alternative schedules are not inconsistent with the provisions of at least one collective bargaining agreement covering other employees of that appointing authority, if such an agreement exists. If no such collective bargaining agreement exists, an appointing authority, upon notification to the board of county

commissioners, may establish an alternative schedule of vacation 196
leave and holidays for its employees that does not diminish the 197
vacation leave and holiday benefits granted by this section. 198

(G) The employees of a county children services board that 199
establishes vacation benefits under section 5153.12 of the 200
Revised Code are exempt from division (A) of this section. 201

(H) The provisions of this section do not apply to 202
superintendents and management employees of county boards of 203
developmental disabilities. 204

(I) Division (A) of this section does not apply to an 205
employee of a county board of developmental disabilities who 206
works at, or provides transportation services to pupils of, a 207
special education program provided by the county board pursuant 208
to division (A) (4) of section 5126.05 of the Revised Code, if 209
the employee's employment is based on a school year and the 210
employee is not subject to a contract with the county board that 211
provides for division (A) of this section to apply to the 212
employee. 213

(J) Notwithstanding division (C) of this section or any 214
other section of the Revised Code, if a separation from county 215
service occurs in connection with the lease, sale, or other 216
transfer of all or substantially all the business and assets of 217
a county hospital organized under Chapter 339. of the Revised 218
Code to a private corporation or other entity, the appointing 219
authority shall have no obligation to pay any compensation with 220
respect to unused vacation leave accrued to the credit of an 221
employee who accepts employment with the acquiring corporation 222
or other entity, if at the effective time of separation the 223
acquiring corporation or other entity expressly assumes such 224
unused vacation leave accrued to the employee's credit. 225

(K) As used in this section:	226
(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.	227 228 229 230
(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.	231 232 233 234 235 236
(3) "Management employee" has the same meaning as in section 5126.20 of the Revised Code.	237 238
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.	239 240 241 242 243
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, <u>Juneteenth day</u> , Independence day, Labor day, Columbus 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.	244 245 246 247 248 249 250 251 252
The board of township trustees may purchase or lease uniforms for laborers or other employees engaged in the	253 254

maintenance of township property.	255
Sec. 1345.21. As used in sections 1345.21 to 1345.28 of	256
the Revised Code:	257
(A) "Home solicitation sale" means a sale of consumer	258
goods or services in which the seller or a person acting for the	259
seller engages in a personal solicitation of the sale at a	260
residence of the buyer, including solicitations in response to	261
or following an invitation by the buyer, and the buyer's	262
agreement or offer to purchase is there given to the seller or a	263
person acting for the seller, or in which the buyer's agreement	264
or offer to purchase is made at a place other than the seller's	265
place of business. It does not include a transaction or	266
transactions in which:	267
(1) The total purchase price to be paid by the buyer,	268
whether under single or multiple contracts, is less than twenty-	269
five dollars;	270
(2) The transaction was conducted and consummated entirely	271
by mail or by telephone if initiated by the buyer, and without	272
any other contact between the seller or the seller's	273
representative prior to the delivery of goods or performance of	274
the service;	275
(3) The final agreement is made pursuant to prior	276
negotiations in the course of a visit by the buyer to a retail	277
business establishment having a fixed permanent location where	278
the goods are exhibited or the services are offered for sale on	279
a continuing basis;	280
(4) The buyer initiates the contact between the parties	281
for the purpose of negotiating a purchase and the seller has a	282
business establishment at a fixed location in this state where	283

the goods or services involved in the transaction are regularly 284
offered or exhibited for sale. 285

Advertisements by such a seller in newspapers, magazines, 286
catalogues, radio, or television do not constitute the seller 287
initiation of the contact. 288

(5) The buyer initiates the contact between the parties, 289
the goods or services are needed to meet a bona fide immediate 290
personal emergency of the buyer which will jeopardize the 291
welfare, health, or safety of natural persons, or endanger 292
property which the buyer owns or for which the buyer is 293
responsible, and the buyer furnishes the seller with a separate, 294
dated, and signed statement in the buyer's handwriting 295
describing the situation requiring immediate remedy and 296
expressly acknowledging and waiving the right to cancel the sale 297
within three business days; 298

(6) The buyer has initiated the contact between the 299
parties and specifically requested the seller to visit the 300
buyer's home for the purpose of repairing or performing 301
maintenance upon the buyer's personal property. If, in the 302
course of such a visit, the seller sells the buyer additional 303
services or goods other than replacement parts necessarily used 304
in performing the maintenance or in making the repairs, the sale 305
of those additional goods or services does not fall within this 306
exclusion. 307

(7) The buyer is accorded the right of rescission by the 308
"Consumer Credit Protection Act," (1968) 82 Stat. 152, 15 U.S.C. 309
1635, or regulations adopted pursuant to it. 310

(B) "Sale" includes a lease or rental. 311

(C) "Seller" includes a lessor or anyone offering goods 312

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

the consumer goods or services, including all interest and 340
service charges. 341

(H) "Place of business" means the main office, or a 342
permanent branch office or permanent local address of a seller. 343

(I) "Business day" means any calendar day except Sunday, 344
or the following business holidays: New Year's day, Martin 345
Luther King day, Presidents' day, Memorial day, Juneteenth day, 346
Independence day, Labor day, Columbus day, Veterans day, 347
Thanksgiving day, and Christmas day. 348

Sec. 3313.63. Boards of education may dismiss the schools 349
under their control on the first day of January, the third 350
Monday in January, the third Monday in February, the day 351
designated in the "Act of June 28, 1968," 82 Stat. 250, 5 U.S.C. 352
6103, as amended, for the commemoration of Memorial day, the 353
nineteenth day of June, the fourth day of July, the first Monday 354
in September, the second Monday in October, the eleventh day of 355
November, or the succeeding Monday when that day falls on a 356
Sunday, the fourth Thursday in November, and the twenty-fifth 357
day of December, on any day set apart by proclamation of the 358
president of the United States or the governor of this state as 359
a day of fast, thanksgiving, or mourning, or on the days 360
approved by the board for teachers' attendance at an educational 361
meeting. 362

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

preceding and ~~his~~ next following scheduled work days before and 370
after such holiday or was properly excused from attendance at 371
work on either or both of those days: New Year's day, Martin 372
Luther King day, Memorial day, Juneteenth day, Independence day, 373
Labor day, Thanksgiving day, and Christmas day of each year. All 374
regular nonteaching school employees employed on a nine or ten 375
month basis, whether salaried or compensated on an hourly or per 376
diem basis, are entitled to a minimum of the following holidays 377
for which they shall be paid their regular salary or their 378
regular rate of pay, provided each such employee accrued 379
earnings on ~~his~~ the employee's next preceding and next following 380
scheduled work days before and after such holiday or was 381
properly excused from attendance at work on either or both of 382
those days: New Year's day, Martin Luther King day, Memorial 383
day, Labor day, Thanksgiving day, and Christmas day of each 384
year. Regular nonteaching school employees employed less than 385
nine months shall be entitled to a minimum of those holidays 386
enumerated in this section which fall during the employees' time 387
of employment. In addition to the above named holidays, a board 388
of education may declare any other day, except days approved for 389
teachers' attendance at an educational meeting, as a holiday and 390
shall pay to all such regular nonteaching school employees, 391
whether salaried or compensated on an hourly or per diem basis, 392
their regular salary or their regular rate of pay. When any 393
employee is required by ~~his~~ the employee's responsible 394
administrative superior to work on any of the paid holidays, ~~he~~ 395
the employee shall be granted compensatory time off for which ~~he~~ 396
the employee shall be paid ~~his~~ the employee's regular salary or 397
~~at his~~ regular rate of pay, or a board of education may 398
establish a premium rate of pay for work performed on a paid 399
holiday. Holidays shall occur on the days specified in section 400
1.14 of the Revised Code. 401

For purposes of determining whether a person who is not in 402
the employ of a board of education on Labor day is in compliance 403
with the requirement of this section that states that in order 404
for a nonteaching employee to be eligible for Labor day holiday 405
pay ~~he~~ the employee must have accrued earnings on the scheduled 406
work day immediately preceding Labor day or have been excused 407
from attendance at work on that day, a board of education shall 408
count the employee's last scheduled work day of ~~his~~ the 409
employee's preceding period of employment as ~~his~~ the employee's 410
last scheduled day of employment for purposes of this 411
requirement. 412

For the purposes of this section, "employed" and "time of 413
employment" mean the period from the initial date of employment 414
to the termination of employment with that school district. 415

Section 2. That existing sections 1.14, 5.2247, 124.19, 416
325.19, 511.10, 1345.21, 3313.63, and 3319.087 of the Revised 417
Code are hereby repealed. 418