

OPINION NO. 69-029

Syllabus:

A school bus driver who is in service for not less than eleven months a year is entitled to the vacation benefits provided by Section 3319.084, Revised Code.

To: Joseph Murray, Ashland County Pros. Atty., Ashland, Ohio
By: Paul W. Brown, Attorney General, March 10, 1969

On behalf of one of the local school districts in Ashland County, you have requested my opinion on the following question:

"Is a regularly employed school bus driver entitled to two (2) week paid vacation under Section 3319.084, Revised Code of Ohio, when he is employed as a school bus driver for the full school year, together with an additional eight (8) weeks during the summer months."

The controlling statute is Section 3319.084, Revised Code:

"In all school districts each full-time nonteaching school employee including full-time hourly rate and per diem employees, after service of one calendar year with a board of education, shall be entitled, during each year thereafter, while continuing in the employ of such board of education, to vacation leave with full pay for a minimum of two calendar weeks,

excluding legal holidays. Employees continuing in the employ of such board of education for fifteen or more years of service shall be entitled to vacation leave with full pay for a minimum of three calendar weeks, excluding legal holidays.

"In case of the death of a nonteaching school employee, the unused vacation leave to the credit of such employee, not to exceed the vacation leave accrued to his credit for two years immediately preceding his last anniversary date and the pro-rated portion of his earned but unused vacation leave for the current year, shall be paid to the surviving spouse, or other dependent.

"For the purposes of this section, a full-time employee is a person who is in service for not less than eleven months in each calendar year."

(Emphasis added)

In your request for my opinion you state that the school bus driver in question works "the full school year" plus eight weeks during the summer months. Section 3319.084, supra, entitles each full-time nonteaching school employee to the specified amounts of vacation leave and, as underlined above, defines "full-time employee" as a "person who is in service for not less than eleven months in each calendar year." Therefore, if this bus driver's service during the "full school year" plus eight weeks in the summer months adds up to his being in service for not less than eleven months in each calendar year, he is entitled to the vacation leave specified in Section 3319.084, supra.

Accordingly, it is my opinion and you are hereby advised that a school bus driver who is in service for not less than eleven months a year is entitled to the vacation benefits provided by Section 3319.084, Revised Code.