

OPINION NO. 66-149**Syllabus:**

In determining length of service for vacation purposes of a county employee under the provisions of Section 325.19, Revised Code, service with any county of the state should be counted.

To: Wayne Ward, Director of State Personnel, Columbus, Ohio
By: William B. Saxbe, Attorney General, September 2, 1966

I have before me your request for my opinion which reads as follows:

"Your opinion is respectfully requested on the following question, involving the interpretation of Section 325.19 of the Ohio Revised Code. In determining length of service for vacation purposes of a county employee, should service with any county of the state be counted or should only that service with the county of current employment be considered?"

Section 325.19, Revised Code, to which you refer in your request letter, provides in pertinent part as follows:

"Each full-time employee in the several offices and departments of the county service, including full-time hourly-rate employees, after service of one year, shall be entitled during each year thereafter, to two calendar weeks, excluding legal holidays, of vacation leave with full pay. Employees having ten or more years of county service are entitled, during each year thereafter, to three calendar weeks of vacation leave with full pay. * * *"

In answering the question you have posed, an interpretation must be made of the term "county service". This term, in my opinion, is inclusive of all of the counties within the state. In making this determination one must be aware of the fact that an individual's compensation for services rendered should include a minimum paid vacation each year. Therefore, it would seem that the General Assembly intended the broadest coverage legally permissible for Section 325.19, Revised Code.

The provisions of Chapter 325, Revised Code, strengthen this conclusion. This chapter provides for a uniform, if not equal schedule of compensation for all county employees within the state. It would logically follow then that the term "county service" is inclusive of all the counties and service with any county should be counted for vacation purposes.

Further, in Opinion No. 594, Opinions of the Attorney General for 1949, one of my predecessors had occasion to consider Section 2394-4a, General Code, which like Section 325.19, supra, dealt with vacation benefits for county employees. Syllabus 2 of that Opinion states as follows:

"General Code Section 2394-4a applies to all counties of the state, whether or not the county has a civil service commission or any county civil service employees."

In Opinion No. 2575, Opinions of the Attorney General for 1958, the matter of continuous service or intermittent service in county employment for vacation purposes was considered. In disposing of that question I held in pertinent part in the syllabus as follows:

"A county employee with fifteen years of service with the county, continuous or intermittent, and regardless over what period the service was performed, is entitled to three (3) weeks vacation leave. * * *"

In specific answer to your inquiry, therefore, it is my opinion and you are accordingly advised that in determining length of service for vacation purposes of a county employee, under the provisions of Section 325.19, supra, service with any county of the state should be counted.