

3124

VACATION—ANY STATE EMPLOYE HAVING FIFTEEN OR MORE YEARS OF SERVICE, ENTITLED TO THREE CALENDAR WEEKS OF PAID VACATION DURING 1953—AM. SUB. HB 40, 100 GA—SECTION 121.16 RC—SECTION 154-20 GC—EFFECTIVE OCTOBER 29, 1953.

SYLLABUS:

The provisions of Amended Substitute House Bill No. 40, 100th General Assembly, amending Section 121.16, Revised Code, formerly 154-20, General Code, are effective as of October 29, 1953 and thereby any state employe having fifteen or more years of service is entitled to three calendar weeks of paid vacation during 1953.

Columbus, Ohio, October 9, 1953

Hon. Carl W. Smith, Chairman, Civil Service Commission of Ohio
Columbus, Ohio

Dear Sir:

I have before me your request for my opinion which presents the question as to the time of the effective application of the provisions of Amended Substitute House Bill No. 40, passed by the One Hundredth General Assembly as it pertains to paid vacations for state employes with fifteen or more years of service.

Amended Substitute House Bill No. 40 was passed by the General Assembly, July 14, 1953, approved by the Governor July 30, 1953 and filed with the Secretary of State on July 30, 1953. This Act was codified as Section 121.16, Revised Code, and reads in pertinent part:

“* * * Each state employee after service of one year is entitled during each year thereafter, to two calendar weeks, excluding legal holidays, vacation leave with full pay. Employees having fifteen or more years of service are entitled to three calendar weeks of such leave * * *.”

The precise question to which my consideration has been called by your inquiry is whether employes who have had or will have fifteen or more years of service as of the effective date of this Act are entitled to the three calendar weeks of paid vacation leave in the year 1953.

The effective date of legislation enacted by the General Assembly is determined by the Ohio Constitution, Article II, Section 1c, which reads in part:

“* * * No law passed by the general assembly shall go into effect until ninety days after it shall have been filed by the governor in the office of the secretary of state, except as herein provided. * * *”

Section 1d of Article II provides that tax levies, appropriations for current expenses of the state government and institutions, and emergency laws necessary for the immediate protection of public peace, health or safety shall go into immediate effect.

In the instant case, as it is not an emergency measure, the former section, Article II, Section 1c, applies and the provisions of this act become effective on the 29th of October, 1953, being ninety days after the filing with the Secretary of State. Determining the effective date of this act is not, however, dispositive of the question without a construction of the terms of the enactment.

Looking to the literal language of the act, I am of the opinion that the General Assembly has presently granted to state employes having fifteen years or more service three weeks of paid vacation. I find no qualifying or prospective language which would in any way delay the immediate operation of this act. It must be concluded, therefore, that the intention of the General Assembly was that any person so qualified by length of service is therefore entitled to three weeks vacation during the year 1953.

For these reasons, it is my opinion that the provisions of Amended Substitute House Bill No. 40, 100th General Assembly, amending section 121.16, Revised Code, formerly 154-20, General Code, are effective as of October 29, 1953, and thereby any state employe having fifteen or more years of service is entitled to three calendar weeks of paid vacation during 1953.

Respectfully,

C. WILLIAM O'NEILL
Attorney General