

OPINION 65-225

Syllabus:

Section 325.19, Revised Code, does not require that county employees be paid holiday pay for that portion of the first Tuesday after the first Monday in November declared by Section 5.20, Revised Code, to be a legal holiday.

To: Robert L. Balyeat, Allen County Pros. Atty., Lima, Ohio
By: William B. Saxbe, Attorney General, December 16, 1965

Your request for my opinion reads in part:

"* * * * *

"I would therefore respectfully request that you furnish me with your opinion as to whether the afternoon of the day designated for the holding of a general election shall constitute a legal holiday for county employees for which they should receive four (4) hours of holiday pay."

Section 325.19, Revised Code, as amended, provides, in pertinent part:

"In addition to such vacation leave, such county employee, working on a per diem basis, hourly basis, or salary basis, shall be entitled to eight hours of holiday pay for New Year's Day, Lincoln's Birthday, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, and Christmas Day, of each year, if he is a regular employee with at least six months full-time county service prior to the month when such holiday occurs,
* * *"

I note that Section 325.19, supra, enumerates nine days for which qualified county employees are guaranteed holiday pay. That portion of the first Tuesday after the first Monday in November declared by Section 5.20, Revised Code, to be a legal holiday, is not included in the enumeration in Section 325.19, supra. There is no provision that the method of pay of county employees will be affected by the declaration in Section 5.20. The maxim of statutory construction expressio unius est exclusio alterius, requires the conclusion that county employees are guaranteed holiday pay only for the days enumerated therein.

Accordingly, it is my opinion that Section 325.19, Revised Code, does not require that county employees be paid holiday pay for that portion of the first Tuesday after the first Monday in November declared by Section 5.20, Revised Code, to be a legal holiday.