

OPINION NO. 68-082

Syllabus:

In the county service, the various officers mentioned in Section 325.27, Revised Code, have the authority to approve the accumulation of unused sick leave in an amount greater than 90 days in accordance with Section 143.29, Revised Code.

To: Wayne Ward, Director, Dept. of State Personnel, Columbus, Ohio
By: William B. Saxbe, Attorney General, May 15, 1968

I have before me your request for my opinion concerning the accumulation of unused sick leave in the county service under Section 143.29, Revised Code. Specifically, your request raises the question of whether the "responsible administrative officer of the employing unit" who has the authority to approve the accumulation of unused sick leave in an amount greater than 90 days is the appointing authority of each department or is the Board of County Commissioners the appointing authority?

Section 143.29, supra, reads in pertinent part as follows:

"Each employee, whose salary or wage is paid in whole or in part by the state, and each employee in the various offices of the county service and municipal service, and each employee of any board of education, shall be entitled for each completed eighty hours of service to sick leave of four and six-tenths hours with pay. Employees may use sick leave, upon approval of the responsible administrative officer of the employing unit, for absence due to illness, injury, exposure to contagious disease, which could be communicated to other employees, and to illness or death in the employee's immediate family. Unused sick leave shall be cumulative up to ninety work days, unless more than ninety days are approved by the responsible administrative officer of the employing unit.* * *

"* * *

* * *

* * *"

(Emphasis added)

Section 325.17, Revised Code, in pertinent part provides:

"The officers mentioned in section 325.27 of the Revised Code may appoint and employ the necessary deputies, assistants, clerks, bookkeepers, or other employees for their respective offices, fix the compensation of such employees and discharge them, and shall file certificates of such action with the county auditor.* * *"

The officers mentioned in Section 325.27, Revised Code, are the county auditor, county treasurer, probate judge, sheriff, clerk of the court of common pleas, county engineer, and county recorder.

Clearly, Section 325.17, supra, gives the various officers mentioned in Section 325.27, supra, the power to employ and discharge the employees of their respective offices. As a result, I can only conclude that the legislature intended that, as appointing authorities, they, or their administrative assistants, and not the Board of County Commissioners, have the authority to approve the accumulation of unused sick leave in an amount greater than 90 days in accordance with Section 143.29, supra.

It is therefore my opinion and you are hereby advised that in the county service, the various officers mentioned in Section 325.27, Revised Code, have the authority to approve the accumulation of unused sick leave in an amount greater than 90 days in accordance with Section 143.29, Revised Code.