

**Note from the Attorney General's Office:**

1989 Op. Att'y Gen. No. 89-096 was overruled in part by 1998 Op. Att'y Gen. No. 98-026.

1989 Op. Att'y Gen. No. 89-096 was limited by 2000 Op. Att'y Gen. No. 2000-001.



**OPINION NO. 89-096****Syllabus:**

1. Persons who were employed by the State of Ohio or a political subdivision of the state prior to July 5, 1987, were entitled, under R.C. 9.44 as then in effect, to have their prior service with the state or any political subdivision counted as service for the purpose of computing vacation leave; under R.C. 9.44 as currently in effect, they retain that right during employment with the same employer.
2. Persons who were employed by the State of Ohio or a political subdivision of the state prior to July 5, 1987, did not acquire a vested right to transfer among the state and all political subdivisions of the state after that date while retaining credit for prior service with the state and all political subdivisions of the state for purposes of computing vacation leave.
3. Pursuant to R.C. 9.44(B)(1), a person whose first employment with a county occurs on or after July 5, 1987, shall have only his prior service with a county counted as service for the purpose of computing the amount of his vacation leave while he is employed, other than as an elective officer, by a county and is earning vacation credits. (1988 Op. Att'y Gen. No. 88-089 approved and followed.)
4. Pursuant to R.C. 9.44(B)(2), a person whose first employment with a municipal corporation occurs on or after July 5, 1987, shall have only his prior service within that municipal corporation counted as service for the purpose of computing the amount of his vacation leave while he is employed, other than as an elective officer, by that municipal corporation and is earning vacation credits.
5. Pursuant to R.C. 9.44(B)(3), a person whose first employment with a township occurs on or after July 5, 1987, shall have only his prior service with a township counted as service for the purpose of computing the amount of his vacation leave while he is employed, other than as an elective officer, by a township and is earning vacation credits.
6. A person who was employed by a county prior to July 5, 1987, transferred to employment with a municipal corporation on or after July 5, 1987, and had no other prior public employment was initially employed by the municipal corporation on or after July 5, 1987, and, pursuant to R.C. 9.44(B)(2), shall have only his prior service within that municipal corporation counted as service for the purpose of computing the amount of his vacation leave while he is employed, other than as an elective officer, by that municipal corporation and is earning vacation credits.
7. A person who was employed by a county prior to July 5, 1987, transferred to employment with a township on or after July 5, 1987, and had no other prior public employment was initially employed by the township on or after July 5, 1987, and, pursuant to R.C. 9.44(B)(3), shall have only his prior service with a township counted as service for the purpose of computing the amount of his vacation leave while he is employed, other than as an elective officer, by a township and is earning vacation credits.
8. A person who was employed by a county prior to July 5, 1987, transferred, on or after July 5, 1987, and before July 14, 1989, to state employment as described in R.C. 9.44(B)(1) as then in effect, and had no other prior public employment was entitled to have only his prior service with state agencies in which the

employees' salaries or wages are paid directly by warrant of the Auditor of State counted as service for the purpose of computing the amount of his vacation leave while he was employed, other than as an elective officer, by a state agency as described in R.C. 9.44(B)(1) as then in effect, and was earning vacation credits. As of July 14, 1989, the state employee became subject to R.C. 9.44(A); under R.C. 9.44(A) he is entitled to have his prior service with the state and the county counted as service for the purpose of computing the amount of his vacation leave while he is employed, other than as an elective officer, by the state and is earning vacation credits.

9. A person who was employed by a particular county prior to July 5, 1987, transferred to employment with a municipal corporation, and, on or after July 5, 1987, transferred again to employment with the same county, was initially employed by the county prior to July 5, 1987, and is not subject to the exceptions set forth in R.C. 9.44(B). Rather, the person is, under R.C. 9.44(A), entitled to have his prior service with the county and the municipal corporation counted as service for the purpose of computing the amount of his vacation leave while he is employed, other than as an elective officer, by a county and is earning vacation credits.
10. A person who was employed by a county prior to July 5, 1987, transferred to employment with a municipal corporation, and, on or after July 5, 1987, transferred to employment with a different county, was initially employed by a county prior to July 5, 1987, and is not subject to the exceptions set forth in R.C. 9.44(B). Rather, the person is, under R.C. 9.44(A), entitled to have his prior service with both counties and the municipal corporation counted as service for the purpose of computing the amount of his vacation leave while he is employed, other than as an elective officer, by a county and is earning vacation credits.
11. A county employee whose standard workweek set as full time by his appointing authority consists of fewer than forty hours per week and who is in active pay status for such standard workweek is entitled to the full amount of vacation leave prescribed by R.C. 325.19(A), calculated on a biweekly basis. (1985 Op. Att'y Gen. No. 85-102 approved and followed.)

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**To: Jeffrey M. Welbaum, Miami County Prosecuting Attorney, Troy, Ohio**  
**By: Anthony J. Celebrezze, Jr., Attorney General, December 20, 1989**

I have before me your request for an opinion on several questions involving the computation of vacation benefits for county employees pursuant to R.C. 9.44 and R.C. 325.19.<sup>1</sup> R.C. 325.19(A)(1) grants to full-time county employees varying amounts of vacation leave, depending upon a particular employee's amount of

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<sup>1</sup> You have indicated that no collective bargaining agreement is involved in the situations with which you are concerned. *See generally* R.C. Chapter 4117. This opinion addresses the provisions of R.C. 9.44 and R.C. 325.19 only. It does not address situations in which statutory provisions have been varied pursuant to a collective bargaining agreement, *see generally* 1988 Op. Att'y Gen. No. 88-089; 1987 Op. Att'y Gen. No. 87-067 at 2-412 n. 1; 1985 Op. Att'y Gen. No. 85-102 at 2-436 n. 1, or situations in which an appointing authority has varied the vacation benefits for his employees pursuant to statute, *see* R.C. 325.19(F), or pursuant to his power to compensate, *see generally* *Cataland v. Cahill*, 13 Ohio App. 3d 113, 468 N.E.2d 388 (Franklin County 1984); Op. No. 88-089; Op. No. 87-067 at 2-412 n. 1.

service "with the county or any political subdivision of the state." R.C. 9.44(A) provides generally that county employees who earn vacation credits are entitled to have their prior service with the state or any political subdivision of the state counted as prior service for the purpose of computing vacation leave. R.C. 9.44(B), however, contains certain exceptions to R.C. 9.44(A). R.C. 9.44 reads:

(A) Except as otherwise provided in this section, a person employed, other than as an elective officer, by the state or any political subdivision of the state, earning vacation credits currently, is entitled to have his prior service with any of these employers counted as service with the state or any political subdivision of the state, for the purpose of computing the amount of his vacation leave. The anniversary date of his employment for the purpose of computing the amount of his vacation leave, unless deferred pursuant to the appropriate law, ordinance, or regulation, is the anniversary date of such prior service.

(B) To determine prior service for the purpose of computing the amount of vacation leave for a person initially employed on or after July 5, 1987, by:

- (1) A county, the person shall have only his prior service with a county counted;
- (2) A municipal corporation, the person shall have only his prior service within that municipal corporation counted; and
- (3) A township, the person shall have only his prior service with a township counted.

In 1988 Op. Att'y Gen. No. 88-089, I considered the apparent conflicts between R.C. 325.19(A) and R.C. 9.44(B)<sup>2</sup> and concluded that R.C. 9.44(B) creates an exception to the prior service credit provisions of R.C. 325.19. Op. No. 88-089 states, at 2-429:

Thus, except for a person employed initially by a county on or after July 5, 1987, a county employee who is entitled to receive vacation benefits under R.C. 325.19 is allowed prior service credit for periods of time served with the state under R.C. 9.44(A) and with any political subdivision of the state under R.C. 9.44 and R.C. 325.19(A). A person who is employed initially by a county on or after July 5, 1987, however, is limited by R.C. 9.44(B)(2) to receiving service credit for purposes of R.C. 325.19 only for prior time served with a county. (Footnote omitted.)

Op. No. 88-089 adopted a literal interpretation of R.C. 9.44(B), under which prior service for a person initially employed on or after July 5, 1987, by one of the named entities is limited to service as prescribed in the appropriate subdivision. "Initial employment" is considered to be a person's first employment by the named entity - e.g., first employment by a county or by a municipal corporation; employment by another of the named entities or another political subdivision is not included as initial employment. For example, a person who is employed by a county for the first time on or after July 6, 1987, is initially employed by the county on that date, even though he has previously been employed by a township, a municipal corporation, or the state.

Your letter suggests that, rather than being construed as outlined above, R.C. 9.44(B) might serve "as a 'grandfathering clause' for all employees whose initial employment in public service commenced before July 5, 1987." You have also stated:

<sup>2</sup> When 1988 Op. Att'y Gen. No. 88-089 was issued, the language that pertains to counties and currently appears in R.C. 9.44(B)(1) appeared instead in R.C. 9.44(B)(2). At that time, R.C. 9.44(B)(1) contained an exception from R.C. 9.44(A) that pertained to state agencies. The state agency exception has been dropped. See Am. H.B. 552, 118th Gen. A. (1989) (eff. July 14, 1989). Apart from renumbering, the provisions governing counties, municipal corporations, and townships remain as they were in 1988.

Further, it has been proposed that such "grandfathering provision" not only serves to preserve vested rights of employees to previously established service credits under section 9.44, Ohio Revised Code (before its revision in 1987), but also preserves the [employees'] rights and expectations that they can continue to transfer during employment with the State of Ohio or any other political subdivision in the State without losing any previous credits for employment in public service.

The legislative result suggested by this argument is, indeed, a possible one and might, at least for some purposes, be a preferable one. *See, e.g.*, note 2, *supra* (discussing the recent amendment of R.C. 9.44). It does not, however, appear to be supported by the language of the statute. Nothing in R.C. 9.44 speaks generally of initial employment in public service. Rather, R.C. 9.44(B) speaks expressly of initial employment by a county (with specified results), by a municipal corporation (with specified results), or by a township (with specified results). The exceptions of R.C. 9.44(B) thus apply to a person who is first employed by a county on or after July 5, 1987, *see* R.C. 9.44(B)(1); a person who is first employed by a municipal corporation on or after July 5, 1987, *see* R.C. 9.44(B)(2); and a person who is first employed by a township on or after July 5, 1987, *see* R.C. 9.44(B)(3).

You have, in addition, asked whether persons who were employed by the state or any political subdivision of the state prior to July 5, 1987, have a vested right not only to service credit for prior public service with the state or political subdivisions of the state, but also to transfer among the state and all political subdivisions of the state without losing credit for prior service with any of those entities. That question must be answered in the negative. "The principal function of a legislative body is not to make contracts but to make laws which declare the policy of the state and are subject to repeal when a subsequent legislature shall determine to alter that policy." *Indiana ex rel. Anderson v. Brand*, 303 U.S. 95, 100 (1938). When legislative enactments are acted upon so that contracts are created, then individuals may acquire vested rights. *See Indiana ex rel. Anderson v. Brand*; 1988 Op. Att'y Gen. No. 88-059. A public employee will, for example, have a vested right to vacation or sick leave benefits that he has earned under the law in effect during his employment. *See, e.g., Ebert v. Stark County Board of Mental Retardation*, 63 Ohio St. 2d 31, 406 N.E.2d 1098 (1980); *South Euclid Fraternal Order of Police v. D'Amico*, 13 Ohio App. 3d 46, 468 N.E.2d 735 (Cuyahoga County 1983); Op. No. 88-059; 1987 Op. Att'y Gen. No. 87-109. The fact that individuals may have acquired such vested rights does not, however, prevent the legislature from modifying benefits that may be obtained in the future. *See, e.g., Ebert v. Stark County Board of Mental Retardation*; Op. No. 88-059; Op. No. 87-109; *cf., e.g., 1987 Op. Att'y Gen. No. 87-006* at 2-29 (discussing constitutional prohibition against retroactive laws). *See generally Foley v. Carter*, 526 F. Supp. 977, 984 (D.C. Cir. 1981) ("[i]t is settled that, absent contractual or other guarantees, a statutory entitlement may be prospectively reduced without infringement.... Even if a statutory right has become effective, Congress may at any point revoke the right for the future by altering or repealing the statute upon which it is based"). R.C. 9.44, as in existence prior to the enactment of R.C. 9.44(B), *see* Am. Sub. H.B. 178, 117th Gen. A. (1987) (eff. June 24, 1987), permitted a public employee of the state or any political subdivision of the state to have service with the state or any political subdivision counted as service credit for purposes of computing vacation leave. Individuals who accepted employment with the state or a political subdivision while that provision was in effect were credited with an amount of prior service calculated under that provision and, under R.C. 9.44 as currently in effect, they retain such service credit during employment with that employer. It does not, however, appear that the right to transfer service credit to positions with other public employers was contractually granted to all employees who entered public service prior to July 5, 1987. Rather, the right to transfer service credit was provided by statute as a matter of policy and was subject to legislative change. By the enactment of R.C. 9.44(B), the General Assembly changed that policy. R.C. 9.44(B) establishes exceptions to the general rule that public employees receive credit for prior service with the state or any political subdivision of the state when changing from one job to another in the public sector.

I consider now the application of R.C. 9.44(B) to the particular situations with which you are concerned. You have asked:

For the purposes of determining vacation entitlements under Section 325.19, Ohio Revised Code, and Section 9.44, Ohio Revised Code, [to] what amount of credit for previous service would an employee be entitled upon commencement of his most current employment where the person transfers employment on June 2, 1988 to first time employment with either the State of Ohio, a municipality or township after being continuously employed from January 2, 1974 by Miami County, which employment was the [person's] first time employment in public service?

Under the construction of R.C. 9.44 set forth above, a person who was employed by a county beginning on January 2, 1974, and transferred employment to a municipality on June 2, 1988, was initially employed by the municipal corporation after July 5, 1987, and, pursuant to R.C. 9.44, "shall have only his prior service within that municipality counted" as service for the purpose of computing the amount of his vacation leave while he is employed, other than as an elective officer, by that municipality and is earning vacation credits; his service with the county shall not be counted. Similarly, a person who was employed by a county beginning on January 2, 1974, and transferred employment to a township on June 2, 1988, was initially employed by the township after July 5, 1987, and pursuant to R.C. 9.44, "shall have only his prior service with a township counted" as service for the purpose of computing the amount of his vacation leave while he is employed, other than as an elective officer, by a township and is earning vacation credits; his service with the county shall not be counted.

The analysis is slightly more complicated for a person who was employed by a county and transferred to first time employment with the State of Ohio on June 2, 1988. On June 2, 1988, R.C. 9.44(B)(1) contained an exception to R.C. 9.44(A), providing that, to determine prior service for a person initially employed on or after July 5, 1987, by:

A state agency in which the employees' salaries or wages are paid directly by warrant of the auditor of state, except for persons employed pursuant to sections 3301.13 and 3333.03 of the Revised Code who are not public employees under division (C) of section 4117.01 of the Revised Code, the person shall have only his prior service with state agencies in which employees' salaries or wages are paid directly by warrant of the auditor of state counted.

Am. Sub. H.B. 178, 117th Gen. A. (1987) (eff. June 24, 1987). A person who, on June 2, 1988, transferred from county employment to state employment, as described in R.C. 9.44(B)(1) as then in effect, was subject to this exception and, accordingly, had "only his prior service with state agencies in which employees' salaries or wages are paid directly by warrant of the auditor of state counted"; his service with the county was not counted. The language quoted above was, however, removed from R.C. 9.44 by Am. H.B. 552, 118th Gen. A. (1989) (eff. July 14, 1989). See note 2, *supra*. As of July 14, 1989, the state employee became subject to R.C. 9.44(A); under R.C. 9.44(A) he is entitled to have his service with the state and the county counted as service for the purpose of computing vacation leave while he is employed, other than as an elective officer, by the state and is earning vacation credits.

You have also raised the following question:

For purposes of determining vacation entitlements under Section 325.19, Ohio Revised Code, and Section 9.44, Ohio Revised Code, [to] what amount of credit for previous service would an employee be entitled on commencement [of] his most current employment, where the person was hired by Miami County on August 1, 1987, and had transferred from an Ohio village where he had previously worked for 14 years, after being employed previously for the first time in public service by Miami County where he worked three years before being transferred to the village?

In this situation, the individual was employed by Miami County for three years, transferred to employment with a village (which is a municipal corporation, see Ohio Const. art. XVIII, §1; R.C. 703.01) where he worked for fourteen years, and

subsequently, on August 1, 1987, transferred again to employment with Miami County. The person's initial employment with Miami County occurred when the first three-year period of employment began. The individual was, accordingly, initially employed by the county prior to July 5, 1987, and, therefore, is not subject to any of the exceptions set forth in R.C. 9.44(B). The individual is, rather, subject to R.C. 9.44(A) and entitled to have his prior service with the county and the village counted for the purpose of computing the amount of his vacation leave while he is employed, other than as an elective officer, by a county and is earning vacation credits.

You have, in addition, presented the following question:

For purposes of determining vacation entitlements under Section 325.19, Ohio Revised Code, and Section 9.44, Ohio Revised Code, [to] what amount of credit for previous public service would an employee be entitled upon commencing his most current employment where the person was employed for the first time by Miami County on October 5, 1988 after being employed from February 1, 1981 to October 4, 1988 by Montgomery County after working the first time in public service for the City of Troy, Ohio from June 1, 1974 to January 31, 1981?

In this situation, an individual was employed by a city, transferred to employment with Montgomery County, and subsequently, on October 5, 1988, transferred to employment with Miami County. The individual's initial employment with a county occurred on February 1, 1981, when the person was first employed by Montgomery County; however, the person's initial employment with Miami County occurred on October 5, 1988. There is some ambiguity under R.C. 9.44(B)(1) as to whether the relevant employment is the initial employment by any county or the initial employment by a particular county. R.C. 9.44(B)(1) refers simply to "[a] county." Use of the indefinite article "a" suggests that the reference is to the first time that a person is employed by any county. See generally *Webster's New World Dictionary* 1 (2d college ed. 1978) (defining "a" to mean "each; any one [a gun is dangerous!]"); 1989 Op. Att'y Gen. No. 89-079 (discussing the broad interpretation given to "any" when used in a statute). Under this interpretation, a person who is employed by a county after July 5, 1987, and who was employed by a different county prior to July 5, 1987, was "initially" employed by a county prior to July 5, 1987, and, accordingly, comes under R.C. 9.44(A) rather than R.C. 9.44(B).

I am aware that R.C. 9.44(B)(1) and (3) provide generally that prior service with "a" county or "a" township shall be counted, whereas R.C. 9.44(B)(2) provides that only "prior service within that municipal corporation" shall be counted. Under the statute, a person who is initially employed by a county on or after July 5, 1987, shall have prior service with all counties counted as service for purposes of computing vacation leave, and an analogous situation results for a person initially employed by a township on or after July 5, 1987. A person who is initially employed by a municipal corporation on or after July 5, 1987, shall, however, have only his prior service within that municipal corporation counted. It should be noted that service as an officer is counted as prior service for purposes of R.C. 9.44, even though it does not constitute employment. See Op. No. 88-089. Thus, for example, a person who is initially employed by a county on or after July 5, 1987, shall receive credit for time served as an officer of any county, either prior or subsequent to July 5, 1987. In contrast, a person who is initially employed by a municipal corporation on or after July 5, 1987, shall receive credit for service he may have acquired as an officer only if such service was within that municipal corporation.

The Legislative Service Commission's summary of Am. Sub. H.B. 178, which enacted R.C. 9.44(B), states, in part:

For employees initially employed by a municipality on or after July 5, 1987, only prior service with the municipal corporation is counted in the computation of vacation leave. For employees initially employed by a county or township on or after July 5, 1987, only prior service with the same or other counties (in the case of a county employee) and only prior service with the same or another township (in the case of a township employee) is counted in the computation of vacation leave.



Ohio Legislative Service Commission, *Summary of Enactments 254* (Jan.-Aug. 1987). The interpretation set forth above is consistent with this analysis.

I turn now to your final question:

Since Miami County employees work a standard 35 hours per week (70 hours per pay period), how are their vacation entitlements to be computed in light of the most current amendment to Section 325.19, Ohio Revised Code?

In 1985 Op. Att'y Gen. No. 85-102, I addressed the question of vacation leave for county employees whose standard full-time workweek consists of fewer than forty hours. I concluded that, because R.C. 325.19 states that full-time employees in the county service shall earn vacation benefits in increments of forty hours, all full-time county employees are entitled to those benefits, even if particular employees work fewer than forty hours per week to qualify for full-time status. The syllabus of Op. No. 85-102 states:

A county employee who works a standard workweek set as full time by his appointing authority at less than forty hours per week is a full-time employee for purposes of R.C. 325.19, and is entitled to the full amount of vacation leave prescribed by R.C. 325.19(A).

As you have indicated, R.C. 325.19 has been amended since the issuance of Op. No. 85-102. Those amendments have not, however, affected the portions of Op. No. 85-102 upon which the analysis was based. It is, therefore, appropriate to affirm the conclusions reached in Op. No. 85-102. *Accord* 1987 Op. Att'y Gen. No. 87-067.

The amendments to R.C. 325.19 with which you are concerned inserted the following language as division (A)(2):

Full-time employees granted vacation leave under division (A)(1) of this section who are in active pay status in a biweekly pay period for less than eighty hours or the number of hours of service otherwise accepted as full-time by their employing office or department shall accrue a number of hours of vacation leave during that pay period that bears the same ratio to the number of hours specified in division (A)(1) of this section as their number of hours in active pay status, excluding overtime hours, bears to eighty or the number of hours of service accepted as full time, whichever is applicable.

See S.B. 322, 117th Gen. A. (1988) (eff. March 17, 1989). This language provides for a proportionate reduction in vacation leave accrual for full-time employees who are in active pay status for fewer than the number of hours that constitute full-time employment. The reduction would, for example, apply to a person who was granted a day's leave of absence without pay during a particular pay period. This language does not, however, reduce the vacation leave entitlement of a full-time employee whose standard workweek consists of fewer than forty hours per week, provided that the employee is in active pay status for the number of hours that constitute his standard workweek. R.C. 325.19 states expressly that the proportionate reduction in vacation leave accrual applies to full-time employees who are in active pay status "for less than...the number of hours of service...accepted as full-time by their employing office or department." R.C. 325.19(I)(1) retains the following definition:

"Full-time employee" means an employee whose regular hours of service for a county total forty hours per week, or who renders any other standard of service accepted as full-time by an office, department, or agency of county service.

County employees who are full-time employees under this definition and who are in active pay status for the number of hours of service accepted as full-time employment by their employing office or department are entitled to the full amount of vacation leave prescribed by R.C. 325.19(A). Pursuant to R.C. 325.19, that vacation leave is calculated on a biweekly basis.

It is, therefore, my opinion, and you are hereby advised, as follows:

1. Persons who were employed by the State of Ohio or a political subdivision of the state prior to July 5, 1987, were entitled, under R.C. 9.44 as then in effect, to have their prior service with the state or any political subdivision counted as service for the purpose of computing vacation leave; under R.C. 9.44 as currently in effect, they retain that right during employment with the same employer.
2. Persons who were employed by the State of Ohio or a political subdivision of the state prior to July 5, 1987, did not acquire a vested right to transfer among the state and all political subdivisions of the state after that date while retaining credit for prior service with the state and all political subdivisions of the state for purposes of computing vacation leave.
3. Pursuant to R.C. 9.44(B)(1), a person whose first employment with a county occurs on or after July 5, 1987, shall have only his prior service with a county counted as service for the purpose of computing the amount of his vacation leave while he is employed, other than as an elective officer, by a county and is earning vacation credits. (1988 Op. Att'y Gen. No. 88-089 approved and followed.)
4. Pursuant to R.C. 9.44(B)(2), a person whose first employment with a municipal corporation occurs on or after July 5, 1987, shall have only his prior service within that municipal corporation counted as service for the purpose of computing the amount of his vacation leave while he is employed, other than as an elective officer, by that municipal corporation and is earning vacation credits.
5. Pursuant to R.C. 9.44(B)(3), a person whose first employment with a township occurs on or after July 5, 1987, shall have only his prior service with a township counted as service for the purpose of computing the amount of his vacation leave while he is employed, other than as an elective officer, by a township and is earning vacation credits.
6. A person who was employed by a county prior to July 5, 1987, transferred to employment with a municipal corporation on or after July 5, 1987, and had no other prior public employment was initially employed by the municipal corporation on or after July 5, 1987, and, pursuant to R.C. 9.44(B)(2), shall have only his prior service within that municipal corporation counted as service for the purpose of computing the amount of his vacation leave while he is employed, other than as an elective officer, by that municipal corporation and is earning vacation credits.
7. A person who was employed by a county prior to July 5, 1987, transferred to employment with a township on or after July 5, 1987, and had no other prior public employment was initially employed by the township on or after July 5, 1987, and, pursuant to R.C. 9.44(B)(3), shall have only his prior service with a township counted as service for the purpose of computing the amount of his vacation leave while he is employed, other than as an elective officer, by a township and is earning vacation credits.
8. A person who was employed by a county prior to July 5, 1987, transferred, on or after July 5, 1987, and before July 14, 1989, to state employment as described in R.C. 9.44(B)(1) as then in effect, and had no other prior public employment was entitled to have only his prior service with state agencies in which the employees' salaries or wages are paid directly by warrant of the Auditor of State counted as service for the purpose of computing

the amount of his vacation leave while he was employed, other than as an elective officer, by a state agency as described in R.C. 9.44(B)(1) as then in effect, and was earning vacation credits. As of July 14, 1989, the state employee became subject to R.C. 9.44(A); under R.C. 9.44(A) he is entitled to have his prior service with the state and the county counted as service for the purpose of computing the amount of his vacation leave while he is employed, other than as an elective officer, by the state and is earning vacation credits.

9. A person who was employed by a particular county prior to July 5, 1987, transferred to employment with a municipal corporation, and, on or after July 5, 1987, transferred again to employment with the same county, was initially employed by the county prior to July 5, 1987, and is not subject to the exceptions set forth in R.C. 9.44(B). Rather, the person is, under R.C. 9.44(A), entitled to have his prior service with the county and the municipal corporation counted as service for the purpose of computing the amount of his vacation leave while he is employed, other than as an elective officer, by a county and is earning vacation credits.
10. A person who was employed by a county prior to July 5, 1987, transferred to employment with a municipal corporation, and, on or after July 5, 1987, transferred to employment with a different county, was initially employed by a county prior to July 5, 1987, and is not subject to the exceptions set forth in R.C. 9.44(B). Rather, the person is, under R.C. 9.44(A), entitled to have his prior service with both counties and the municipal corporation counted as service for the purpose of computing the amount of his vacation leave while he is employed, other than as an elective officer, by a county and is earning vacation credits.
11. A county employee whose standard workweek set as full time by his appointing authority consists of fewer than forty hours per week and who is in active pay status for such standard workweek is entitled to the full amount of vacation leave prescribed by R.C. 325.19(A), calculated on a biweekly basis. (1985 Op. Att'y Gen. No. 85-102 approved and followed.)