

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

1983 Op. Att'y Gen. No. 83-019 was clarified by  
2003 Op. Att'y Gen. No. 2003-021.

## OPINION NO. 83-019

## Syllabus:

Regardless of whether a county employee's service with the county or any political subdivision of the state has been continuous, R.C. 325.19 entitles the employee to credit for any such prior service for purposes of computing the amount of vacation leave to which he is entitled under that statute. (1958 Op. Att'y Gen. No. 2575, p. 510, approved and followed in part.)

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**To: J. David Webb, Paulding County Prosecuting Attorney, Paulding, Ohio**  
**By: Anthony J. Celebrezze, Jr., Attorney General, April 18, 1983**

I have before me your opinion request in which you ask whether R.C. 325.19 requires that a county employee's service be uninterrupted in order to be included as prior service credit for purposes of computing the vacation benefits to which the employee is entitled under that statute.

R.C. 325.19 states, in pertinent part:

(A) 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 with the county or any political subdivision of the state, shall have earned and will be due upon the attainment of the first year of employment, and annually thereafter, eighty hours of vacation leave with full pay. One year of service shall be computed on the basis of twenty-six biweekly pay periods. A full-time county employee with eight or more years of service with the county or any political subdivision of the state shall have earned and is entitled to one hundred twenty hours of vacation leave with full pay. A full-time county employee with fifteen or more years of service with the county or any political subdivision of the state shall have earned and is entitled to one hundred sixty hours of vacation leave with full pay. A full-time county employee with twenty-five years of service with the county or any political subdivision of the state shall have earned and is entitled to two hundred hours of vacation leave with full pay.

Thus, the amount of vacation leave to which a county employee is entitled under R.C. 325.19 depends upon his length of service with the county or any political subdivision of the state.

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<sup>1</sup> R.C. 9.44 also entitles a county employee earning vacation credits currently to service credit for time served with the state or any political subdivision of the state for purposes of computing the amount of his vacation leave. Since you ask only about R.C. 325.19, this opinion will not discuss the inclusion of state service under R.C. 9.44 for purposes of computing a county employee's vacation benefits.

In 1958 Op. Att'y Gen. No. 2575, p. 510, one of my predecessors discussed whether R.C. 325.19 required a county employee to have fifteen years of continuous county service in order to be entitled to three weeks of vacation. At the time 1958 Op. No. 2575 was issued, R.C. 325.19 read, in part, as follows:

Each employee in the several offices and departments of the county service, after service of one year, shall be entitled during each year thereafter, to two calendar weeks, excluding legal holidays, vacation leave with full pay. Employees having fifteen or more years of county service are entitled to three calendar weeks of such leave.

1955-1956 Ohio Laws 416 (Am. H.B. 27, eff. Sept. 23, 1955). In examining the plain language of the statute, my predecessor concluded at 511 that, "[i]f an employee has had fifteen years service with the county over any period regardless how far back in years this service began and how intermittent his employment may have been, he would be entitled to the three week vacation provision as set forth in this statute." See 1965 Op. Att'y Gen. No. 65-222 (adopting 1958 Op. No. 2575).

Although R.C. 325.19 has since been amended several times, I believe that the statute still does not require that service time be continuous in order to be credited to a county employee for purposes of computing the amount of vacation to which the employee is entitled by that statute.

It is well settled that the intent of the legislature in enacting a statute should be discerned from the plain language of the statute. Slingluff v. Weaver, 66 Ohio St. 621, 64 N.E. 574 (1902) (syllabus, paragraph two). Concerning a county employee's service for purposes of vacation leave, R.C. 325.19 requires only that service be with either the county or a political subdivision of the state and that one year of service be computed on the basis of twenty-six biweekly pay periods. Since the statute does not specify that service time must be uninterrupted, no such limitation may be implied. See 1966 Op. Att'y Gen. No. 66-149 at 2-311 (in interpreting the meaning of "county service" under R.C. 325.19, "it would seem that the General Assembly intended the broadest coverage legally permissible").

In your request, you specifically ask:

if a county hospital employs an individual who previously had seven years of service in the County Treasurer's Office, which was followed by three years of employment in the private sector, how many hours of vacation leave is the employee entitled to after completing one full year of service with the county hospital?

Since the employee is entitled to seven years of service credit for his employment with the county treasurer, he will, after completion of one year of service with the county hospital, have a total of eight years of service, even though such service has not been continuous. Upon completion of eight years of service, a county employee is entitled to one hundred twenty hours of vacation leave. 1982 Op. Att'y Gen. No. 82-093.

Concerning the above example, you also ask whether there is "any limit to the amount of time that can elapse between periods of service with the county or any political subdivision of the state, before the prior service is no longer considered for calculating the vacation leave to which the employee is entitled." As stated above, R.C. 325.19 does not require that only continuous service be included as prior service for purposes of computing a county employee's vacation benefits, nor does the statute contain any language which would suggest that there is any limitation placed upon the time within which such prior service must have occurred in order to be placed to an employee's credit. 1958 Op. No. 2575 at 511 (R.C. 325.19 "does not require that the service of a county employee be continuous to entitle him to the three week vacation provision nor does the time during which the employment was rendered enter into the matter"). Compare R.C. 325.19(A) with R.C. 325.19(C) (limiting to three years the time for which vacation benefits may be carried over) and R.C. 124.38 (previously accumulated sick leave of an employee who has separated from the public service shall be placed to his credit upon reemployment in the public service, provided that such reemployment occurs within ten years of the date of his last termination from public service).

It is, therefore, my opinion, and you are advised, that, regardless of whether a county employee's service with the county or any political subdivision of the state has been continuous, R.C. 325.19 entitles the employee to credit for any such prior service for purposes of computing the amount of vacation leave to which he is entitled under that statute. (1958 Op. Att'y Gen. No. 2575, p. 510, approved and followed in part.)