

As Introduced

**135th General Assembly
Regular Session
2023-2024**

S. B. No. 87

Senator Smith

Cosponsors: Senators Antonio, Hicks-Hudson, DeMora, Craig

A BILL

To amend sections 1.14, 5.20, 124.19, 325.19, 1
511.10, 1345.21, 3313.63, and 3319.087 of the 2
Revised Code to establish the day of each 3
general election as a legal holiday for which 4
government employees receive paid leave. 5

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 1.14, 5.20, 124.19, 325.19, 6
511.10, 1345.21, 3313.63, and 3319.087 of the Revised Code be 7
amended to read as follows: 8

Sec. 1.14. The time within which an act is required by law 9
to be done shall be computed by excluding the first and 10
including the last day; except that, when the last day falls on 11
Sunday or a legal holiday, the act may be done on the next 12
succeeding day that is not Sunday or a legal holiday. 13

When a public office in which an act, required by law, is 14
to be performed is closed to the public for the entire day that 15
constitutes the last day for doing the act or before its usual 16
closing time on that day, the act may be performed on the next 17
succeeding day that is not a Sunday or a legal holiday as 18

defined in this section.	19
"Legal holiday" as used in this section means the	20
following days:	21
(A) The first day of January, known as New Year's day;	22
(B) The third Monday in January, known as Martin Luther King day;	23 24
(C) The third Monday in February, known as Washington- Lincoln day;	25 26
(D) The day designated in the "Act of June 28, 1968," 82 Stat. 250, 5 U.S.C. 6103, as amended, for the commemoration of Memorial day;	27 28 29
(E) The nineteenth day of June, known as Juneteenth day;	30
(F) The fourth day of July, known as Independence day;	31
(G) The first Monday in September, known as Labor day;	32
(H) The second Monday in October, known as Columbus day;	33
(I) <u>The first Tuesday after the first Monday in November,</u> <u>known as Democracy day;</u>	34 35
<u>(J)</u> The eleventh day of November, known as Veterans' day;	36
(J) <u>(K)</u> The fourth Thursday in November, known as Thanksgiving day;	37 38
(K) <u>(L)</u> The twenty-fifth day of December, known as Christmas day;	39 40
(L) <u>(M)</u> Any day appointed and recommended by the governor of this state or the president of the United States as a holiday.	41 42 43

If any day designated in this section as a legal holiday 44
falls on Sunday, the next succeeding day is a legal holiday. 45

Sec. 5.20. The first Tuesday after the first Monday in 46
November of each year, ~~between the hours of twelve noon, eastern-~~ 47
~~standard time, and five thirty p.m., eastern standard time,~~ is a 48
legal holiday. 49

Sec. 124.19. (A) State holidays shall be the first day of 50
January, the third Monday in January, the third Monday in 51
February, the day designated in the "Act of June 28, 1968," 82 52
Stat. 250, 5 U.S.C. 6103, as amended, for the commemoration of 53
Memorial day, the nineteenth day of June, the fourth day of 54
July, the first Monday in September, the second Monday in 55
October, the first Tuesday after the first Monday in November, 56
the eleventh day of November, the fourth Thursday in November, 57
the twenty-fifth day of December, and any day appointed and 58
recommended by the governor of this state or the president of 59
the United States. Employees shall be paid for these holidays as 60
specified in section 124.18 of the Revised Code. 61

(B) The board of trustees of a community college, 62
technical college, state community college, or state university 63
or college as defined in division (A) (1) of section 3345.12 of 64
the Revised Code may, for all employees of the college or 65
university, observe on days other than those specified in 66
division (A) of this section any of the holidays otherwise 67
observed on the third Monday in January, the third Monday in 68
February, and the second Monday in October. 69

Sec. 325.19. (A) (1) The granting of vacation leave under 70
division (A) (1) of this section is subject to divisions (A) (2) 71
and (3) of this section. Each full-time employee in the several 72
offices and departments of the county service, including full- 73

time hourly rate employees, after service of one year with the 74
county or any political subdivision of the state, shall have 75
earned and will be due upon the attainment of the first year of 76
employment, and annually thereafter, eighty hours of vacation 77
leave with full pay. One year of service shall be computed on 78
the basis of twenty-six biweekly pay periods. A full-time county 79
employee with eight or more years of service with the county or 80
any political subdivision of the state shall have earned and is 81
entitled to one hundred twenty hours of vacation leave with full 82
pay. A full-time county employee with fifteen or more years of 83
service with the county or any political subdivision of the 84
state shall have earned and is entitled to one hundred sixty 85
hours of vacation leave with full pay. A full-time county 86
employee with twenty-five years of service with the county or 87
any political subdivision of the state shall have earned and is 88
entitled to two hundred hours of vacation leave with full pay. 89
Such vacation leave shall accrue to the employee at the rate of 90
three and one-tenth hours each biweekly period for those 91
entitled to eighty hours per year; four and six-tenths hours 92
each biweekly period for those entitled to one hundred twenty 93
hours per year; six and two-tenths hours each biweekly period 94
for those entitled to one hundred sixty hours per year; and 95
seven and seven-tenths hours each biweekly period for those 96
entitled to two hundred hours per year. 97

The appointing authorities of the offices and departments 98
of the county service may permit all or any part of a person's 99
prior service with any regional council of government 100
established in accordance with Chapter 167. of the Revised Code 101
to be considered service with the county or a political 102
subdivision of the state for the purpose of determining years of 103
service under this division. 104

(2) Full-time employees granted vacation leave under 105
division (A) (1) of this section who render any standard of 106
service other than forty hours per week as described in division 107
(K) of this section and who are in active pay status in a 108
biweekly pay period, shall accrue a number of hours of vacation 109
leave during each such pay period that bears the same ratio to 110
the number of hours specified in division (A) (1) of this section 111
as their number of hours which are accepted as full-time in 112
active pay status, excluding overtime hours, bears to eighty 113
hours. 114

(3) Full-time employees granted vacation leave under 115
division (A) (1) of this section who are in active pay status in 116
a biweekly pay period for less than eighty hours or the number 117
of hours of service otherwise accepted as full-time by their 118
employing office or department shall accrue a number of hours of 119
vacation leave during that pay period that bears the same ratio 120
to the number of hours specified in division (A) (1) of this 121
section as their number of hours in active pay status, excluding 122
overtime hours, bears to eighty or the number of hours of 123
service accepted as full-time, whichever is applicable. 124

(B) A board of county commissioners, by resolution, may 125
grant vacation leave with full pay to part-time county 126
employees. A part-time county employee shall be eligible for 127
vacation leave with full pay upon the attainment of the first 128
year of employment, and annually thereafter. The ratio between 129
the hours worked and the vacation hours awarded to a part-time 130
employee shall be the same as the ratio between the hours worked 131
and the vacation hours earned by a full-time employee as 132
provided for in this section. 133

(C) Days specified as holidays in section 124.19 of the 134

Revised Code shall not be charged to an employee's vacation 135
leave. Vacation leave shall be taken by the employee during the 136
year in which it accrued and prior to the next recurrence of the 137
anniversary date of the employee's employment, provided that the 138
appointing authority may, in special and meritorious cases, 139
permit such employee to accumulate and carry over the employee's 140
vacation leave to the following year. No vacation leave shall be 141
carried over for more than three years. An employee is entitled 142
to compensation, at the employee's current rate of pay, for the 143
prorated portion of any earned but unused vacation leave for the 144
current year to the employee's credit at time of separation, and 145
in addition shall be compensated for any unused vacation leave 146
accrued to the employee's credit, with the permission of the 147
appointing authority, for the three years immediately preceding 148
the last anniversary date of employment. 149

(D) (1) In addition to vacation leave, a full-time county 150
employee is entitled to eight hours of holiday pay for New 151
Year's day, Martin Luther King day, Washington-Lincoln day, 152
Memorial day, Juneteenth day, Independence day, Labor day, 153
Columbus day, Democracy day, Veterans' day, Thanksgiving day, 154
and Christmas day, of each year. Except as provided in division 155
(D) (2) of this section, holidays shall occur on the days 156
specified in section 1.14 of the Revised Code. If any of those 157
holidays fall on Saturday, the Friday immediately preceding 158
shall be observed as the holiday. If any of those holidays fall 159
on Sunday, the Monday immediately succeeding shall be observed 160
as the holiday. If an employee's work schedule is other than 161
Monday through Friday, the employee is entitled to holiday pay 162
for holidays observed on the employee's day off regardless of 163
the day of the week on which they are observed. 164

(2) (a) When a classified employee of a county board of 165

developmental disabilities works at a site maintained by a 166
government entity other than the board, such as a public school, 167
the board may adjust the employee's holiday schedule to conform 168
to the schedule adopted by the government entity. Under an 169
adjusted holiday schedule, an employee shall receive the number 170
of hours of holiday pay granted under division (D) (1) of this 171
section. 172

(b) Pursuant to division (J) (6) of section 339.06 of the 173
Revised Code, a county hospital may observe Martin Luther King 174
day, Washington-Lincoln day, Columbus day, and Veterans' day on 175
days other than those specified in section 1.14 of the Revised 176
Code. 177

(E) In the case of the death of a county employee, the 178
unused vacation leave and unpaid overtime to the credit of the 179
employee shall be paid in accordance with section 2113.04 of the 180
Revised Code, or to the employee's estate. 181

(F) Notwithstanding this section or any other section of 182
the Revised Code, any appointing authority of a county office, 183
department, commission, board, or body may, upon notification to 184
the board of county commissioners, establish alternative 185
schedules of vacation leave and holidays for employees of the 186
appointing authority for whom the state employment relations 187
board has not established an appropriate bargaining unit 188
pursuant to section 4117.06 of the Revised Code, as long as the 189
alternative schedules are not inconsistent with the provisions 190
of at least one collective bargaining agreement covering other 191
employees of that appointing authority, if such an agreement 192
exists. If no such collective bargaining agreement exists, an 193
appointing authority, upon notification to the board of county 194
commissioners, may establish an alternative schedule of vacation 195

leave and holidays for its employees that does not diminish the	196
vacation leave and holiday benefits granted by this section.	197
(G) The employees of a county children services board that	198
establishes vacation benefits under section 5153.12 of the	199
Revised Code are exempt from division (A) of this section.	200
(H) The provisions of this section do not apply to	201
superintendents and management employees of county boards of	202
developmental disabilities.	203
(I) Division (A) of this section does not apply to an	204
employee of a county board of developmental disabilities who	205
works at, or provides transportation services to pupils of, a	206
special education program provided by the county board pursuant	207
to division (A) (4) of section 5126.05 of the Revised Code, if	208
the employee's employment is based on a school year and the	209
employee is not subject to a contract with the county board that	210
provides for division (A) of this section to apply to the	211
employee.	212
(J) Notwithstanding division (C) of this section or any	213
other section of the Revised Code, if a separation from county	214
service occurs in connection with the lease, sale, or other	215
transfer of all or substantially all the business and assets of	216
a county hospital organized under Chapter 339. of the Revised	217
Code to a private corporation or other entity, the appointing	218
authority shall have no obligation to pay any compensation with	219
respect to unused vacation leave accrued to the credit of an	220
employee who accepts employment with the acquiring corporation	221
or other entity, if at the effective time of separation the	222
acquiring corporation or other entity expressly assumes such	223
unused vacation leave accrued to the employee's credit.	224

(K) As used in this section:	225
(1) "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.	226 227 228 229
(2) "Part-time employee" means an employee whose regular hours of service for a county total less than forty hours per week, or who renders any other standard of service accepted as part-time by an office, department, or agency of county service, and whose hours of county service total at least five hundred twenty hours annually.	230 231 232 233 234 235
(3) "Management employee" has the same meaning as in section 5126.20 of the Revised Code.	236 237
Sec. 511.10. The board of township trustees may appoint such superintendents, architects, clerks, laborers, and other employees as are necessary and fix their compensation. Any person so appointed may be removed by a majority of the members of such board at any time.	238 239 240 241 242
Any township employee working on a salary or hourly basis is entitled to eight hours of holiday pay for New Year's day, Martin Luther King day, Washington-Lincoln day, Memorial day, Juneteenth day, Independence day, Labor day, Columbus day, <u>Democracy day</u> , Veterans' day, Thanksgiving day, and Christmas day, of each year, provided that the employee is a regular employee with at least six months full-time township service prior to the month when such holiday occurs. Holidays shall occur on the days specified in section 1.14 of the Revised Code.	243 244 245 246 247 248 249 250 251
The board of township trustees may purchase or lease uniforms for laborers or other employees engaged in the	252 253

maintenance of township property.	254
Sec. 1345.21. As used in sections 1345.21 to 1345.28 of	255
the Revised Code:	256
(A) "Home solicitation sale" means a sale of consumer	257
goods or services in which the seller or a person acting for the	258
seller engages in a personal solicitation of the sale at a	259
residence of the buyer, including solicitations in response to	260
or following an invitation by the buyer, and the buyer's	261
agreement or offer to purchase is there given to the seller or a	262
person acting for the seller, or in which the buyer's agreement	263
or offer to purchase is made at a place other than the seller's	264
place of business. It does not include a transaction or	265
transactions in which:	266
(1) The total purchase price to be paid by the buyer,	267
whether under single or multiple contracts, is less than twenty-	268
five dollars;	269
(2) The transaction was conducted and consummated entirely	270
by mail or by telephone if initiated by the buyer, and without	271
any other contact between the seller or the seller's	272
representative prior to the delivery of goods or performance of	273
the service;	274
(3) The final agreement is made pursuant to prior	275
negotiations in the course of a visit by the buyer to a retail	276
business establishment having a fixed permanent location where	277
the goods are exhibited or the services are offered for sale on	278
a continuing basis;	279
(4) The buyer initiates the contact between the parties	280
for the purpose of negotiating a purchase and the seller has a	281
business establishment at a fixed location in this state where	282

the goods or services involved in the transaction are regularly 283
offered or exhibited for sale. 284

Advertisements by such a seller in newspapers, magazines, 285
catalogues, radio, or television do not constitute the seller 286
initiation of the contact. 287

(5) The buyer initiates the contact between the parties, 288
the goods or services are needed to meet a bona fide immediate 289
personal emergency of the buyer which will jeopardize the 290
welfare, health, or safety of natural persons, or endanger 291
property which the buyer owns or for which the buyer is 292
responsible, and the buyer furnishes the seller with a separate, 293
dated, and signed statement in the buyer's handwriting 294
describing the situation requiring immediate remedy and 295
expressly acknowledging and waiving the right to cancel the sale 296
within three business days; 297

(6) The buyer has initiated the contact between the 298
parties and specifically requested the seller to visit the 299
buyer's home for the purpose of repairing or performing 300
maintenance upon the buyer's personal property. If, in the 301
course of such a visit, the seller sells the buyer additional 302
services or goods other than replacement parts necessarily used 303
in performing the maintenance or in making the repairs, the sale 304
of those additional goods or services does not fall within this 305
exclusion. 306

(7) The buyer is accorded the right of rescission by the 307
"Consumer Credit Protection Act," (1968) 82 Stat. 152, 15 U.S.C. 308
1635, or regulations adopted pursuant to it. 309

(B) "Sale" includes a lease or rental. 310

(C) "Seller" includes a lessor or anyone offering goods 311

for rent.	312
(D) "Buyer" includes a lessee or anyone who gives a	313
consideration for the privilege of using goods.	314
(E) "Consumer goods or services" means goods or services	315
purchased, leased, or rented primarily for personal, family, or	316
household purposes, including courses or instruction or training	317
regardless of the purpose for which they are taken.	318
(F) "Consumer goods or services" does not include goods or	319
services pertaining to any of the following:	320
(1) Sales or rentals of real property by a real estate	321
broker or salesperson, or by a foreign real estate dealer or	322
salesperson, who is licensed by the Ohio real estate commission	323
under Chapter 4735. of the Revised Code;	324
(2) The sale of securities or commodities by a broker-	325
dealer registered with the securities and exchange commission;	326
(3) The sale of securities or commodities by a securities	327
dealer or salesperson licensed by the division of securities	328
under Chapter 1707. of the Revised Code;	329
(4) The sale of insurance by a person licensed by the	330
superintendent of insurance;	331
(5) Goods sold or services provided by automobile dealers	332
and salespersons licensed by the registrar of motor vehicles	333
under Chapter 4517. of the Revised Code;	334
(6) The sale of property at an auction by an auctioneer	335
licensed by the department of agriculture under Chapter 4707. of	336
the Revised Code.	337
(G) "Purchase price" means the total cumulative price of	338

the consumer goods or services, including all interest and 339
service charges. 340

(H) "Place of business" means the main office, or a 341
permanent branch office or permanent local address of a seller. 342

(I) "Business day" means any calendar day except Sunday, 343
or the following business holidays: New Year's day, Martin 344
Luther King day, Presidents' day, Memorial day, Juneteenth day, 345
Independence day, Labor day, Columbus day, Democracy day, 346
Veterans day, Thanksgiving day, and Christmas day. 347

Sec. 3313.63. Boards of education may dismiss the schools 348
under their control on the first day of January, the third 349
Monday in January, the third Monday in February, the day 350
designated in the "Act of June 28, 1968," 82 Stat. 250, 5 U.S.C. 351
6103, as amended, for the commemoration of Memorial day, the 352
nineteenth day of June, the fourth day of July, the first Monday 353
in September, the second Monday in October, the first Tuesday 354
after the first Monday in November, the eleventh day of 355
November, or the succeeding Monday when that day falls on a 356
Sunday, the fourth Thursday in November, and the twenty-fifth 357
day of December, on any day set apart by proclamation of the 358
president of the United States or the governor of this state as 359
a day of fast, thanksgiving, or mourning, or on the days 360
approved by the board for teachers' attendance at an educational 361
meeting. 362

Sec. 3319.087. Notwithstanding section 3319.086 of the 363
Revised Code, all regular nonteaching school employees employed 364
on an eleven or twelve month basis, whether salaried or 365
compensated on an hourly or per diem basis, are entitled to a 366
minimum of the following holidays for which they shall be paid 367
their regular salary or their regular rate of pay, provided each 368

such employee accrued earnings on the employee's next preceding 369
and next following scheduled work days before and after such 370
holiday or was properly excused from attendance at work on 371
either or both of those days: New Year's day, Martin Luther King 372
day, Memorial day, Juneteenth day, Independence day, Labor day, 373
Democracy day, Thanksgiving day, and Christmas day of each year. 374
All regular nonteaching school employees employed on a nine or 375
ten month basis, whether salaried or compensated on an hourly or 376
per diem basis, are entitled to a minimum of the following 377
holidays for which they shall be paid their regular salary or 378
their regular rate of pay, provided each such employee accrued 379
earnings on the employee's next preceding and next following 380
scheduled work days before and after such holiday or was 381
properly excused from attendance at work on either or both of 382
those days: New Year's day, Martin Luther King day, Memorial 383
day, Labor day, Democracy day, Thanksgiving day, and Christmas 384
day of each year. Regular nonteaching school employees employed 385
less than nine months shall be entitled to a minimum of those 386
holidays enumerated in this section which fall during the 387
employees' time of employment. In addition to the above named 388
holidays, a board of education may declare any other day, except 389
days approved for teachers' attendance at an educational 390
meeting, as a holiday and shall pay to all such regular 391
nonteaching school employees, whether salaried or compensated on 392
an hourly or per diem basis, their regular salary or their 393
regular rate of pay. When any employee is required by the 394
employee's responsible administrative superior to work on any of 395
the paid holidays, the employee shall be granted compensatory 396
time off for which the employee shall be paid the employee's 397
regular salary or regular rate of pay, or a board of education 398
may establish a premium rate of pay for work performed on a paid 399
holiday. Holidays shall occur on the days specified in section 400

1.14 of the Revised Code. 401

For purposes of determining whether a person who is not in 402
the employ of a board of education on Labor day is in compliance 403
with the requirement of this section that states that in order 404
for a nonteaching employee to be eligible for Labor day holiday 405
pay the employee must have accrued earnings on the scheduled 406
work day immediately preceding Labor day or have been excused 407
from attendance at work on that day, a board of education shall 408
count the employee's last scheduled work day of the employee's 409
preceding period of employment as the employee's last scheduled 410
day of employment for purposes of this requirement. 411

For the purposes of this section, "employed" and "time of 412
employment" mean the period from the initial date of employment 413
to the termination of employment with that school district. 414

Section 2. That existing sections 1.14, 5.20, 124.19, 415
325.19, 511.10, 1345.21, 3313.63, and 3319.087 of the Revised 416
Code are hereby repealed. 417