



Ohio Revised Code

Section 124.134 Vacation leave - employees exempt from collective bargaining.

Effective: April 7, 2023

Legislation: House Bill 45

(A) Each full-time permanent state employee paid in accordance with section 124.152 of the Revised Code and those employees listed in divisions (B)(2) and (4) of section 124.14 of the Revised Code shall be credited with vacation leave with full pay according to length of service and accruing at a corresponding rate per biweekly pay period, as follows:

<cp-base>Length of Service Per Pay Period</cp-base>	<cp-base>Accrual Rate</cp-base>
<cp-base>Less than 4 years</cp-base>	<cp-base>3.1 hours</cp-base>
<cp-base>4 but less than 9 years</cp-base>	<cp-base>4.6 hours</cp-base>
<cp-base>9 but less than 14 years</cp-base>	<cp-base>6.2 hours</cp-base>
<cp-base>14 but less than 19 years</cp-base>	<cp-base>6.9 hours</cp-base>
<cp-base>19 but less than 24 years</cp-base>	<cp-base>7.7 hours</cp-base>
<cp-base>24 years or more</cp-base>	<cp-base>9.2 hours</cp-base>

Fifty-two weeks equal one year of service.

The amount of an employee's service shall be determined in accordance with the standard specified in section 9.44 of the Revised Code. Credit for prior service, including an increased vacation accrual rate and longevity supplement, shall take effect during the first pay period that begins immediately following the date the director of administrative services approves granting credit for that prior service. No employee, other than an employee who submits proof of prior service within ninety days after the date of the employee's hiring, shall receive any amount of vacation leave for the period prior to the date of the director's approval of the grant of credit for prior service.

Part-time permanent employees who are paid in accordance with section 124.152 of the Revised Code and full-time permanent employees subject to this section who are in active pay status for less than eighty hours in a pay period shall earn vacation leave on a prorated basis. The ratio between the



hours worked and the vacation hours earned by these classes of employees shall be the same as the ratio between the hours worked and the vacation hours earned by a full-time permanent employee with the same amount of service as provided for in this section.

Vacation leave is not available for use until it appears on the employee's earning statement and the compensation described in the earning statement is available to the employee.

(B) Employees granted leave under this section shall forfeit their right to take or to be paid for any vacation leave to their credit which is in excess of the accrual for three years. Any excess leave shall be eliminated from the employees' leave balance.

(C) Except as provided in division (D) of this section, beginning in fiscal year 2012, an employee may be paid for up to eighty hours of vacation leave each fiscal year if the employee requested and was denied the use of vacation leave during that fiscal year. No employee shall receive payment for more than eighty hours of denied vacation leave in a single fiscal year. An employee is only eligible to receive payment for vacation leave when the employee's vacation leave credit is at, or will reach in the immediately following pay period, the maximum of the accrual for three years and the employee has been denied the use of vacation leave. An employee is not entitled to receive payment for vacation leave denied in any pay period in which the employee's vacation leave credit is not at, or will not reach in the immediately following pay period, the maximum of accrual for three years. Any vacation leave for which an employee receives payment shall be deducted from the employee's vacation leave balance. No employee is eligible to receive payment for denied vacation leave in either fiscal year 2010 or fiscal year 2011.

(D) The supreme court, general assembly, secretary of state, auditor of state, treasurer of state, and attorney general may establish by policy an alternate payment structure for employees whose vacation leave credit is at, or will reach in the immediately following pay period, the maximum of accrual for three years and the employee has been denied the use of vacation leave. An employee is not entitled to receive payment for vacation leave denied in any pay period in which the employee's vacation leave credit is not at, or will not reach in the immediately following pay period, the maximum of accrual for three years. Any vacation leave for which the employee receives payment shall be deducted from the employee's vacation leave balance.



(E) Except as otherwise provided in this division, upon separation from state service, an employee granted leave under this section is entitled to compensation at the employee's current rate of pay for all unused vacation leave accrued under this section or section 124.13 of the Revised Code to the employee's credit. An employee who separates from state service with less than twelve months of total state service is not entitled to compensation for unused accrued vacation leave. In case of transfer of an employee from one state agency to another, the employee shall retain the unused accrued vacation leave. In case of the death of an employee, the unused accrued vacation leave shall be paid in accordance with section 2113.04 of the Revised Code, or to the employee's estate. An employee serving in a temporary work level who is eligible to receive compensation under this division shall be compensated at the base rate of pay of the employee's normal classification.

(F)(1) Except as provided in division (G) of this section, beginning in December 2023, and every year thereafter, the director shall allow an eligible full-time or part-time employee who is credited with vacation leave under this section to convert a portion of the employee's unused accrued vacation leave to cash in accordance with this division.

(2) To be eligible for the conversion described in division (F)(1) of this section, an employee shall have not less than one hundred hours of unused accrued vacation leave available for use on the last day of the first pay period of November in the year that the employee chooses to make the conversion.

(3) An employee who has not less than two hundred hours of unused accrued vacation leave available for use on the last day of the first pay period of November in the year that the employee chooses to make the conversion is eligible to convert up to eighty hours of unused accrued vacation leave to cash under division (F)(1) of this section. An employee who has not less than one hundred hours of unused accrued vacation leave available for use on the last day of the first pay period of November in the year that the employee chooses to make the conversion is eligible to convert up to forty hours of unused accrued vacation leave to cash under division (F)(1) of this section.

(4) Unused accrued vacation leave converted to cash under division (F)(1) of this section shall be paid to the employee in the first paycheck of December at the base rate of pay for every hour of unused accrued vacation leave that the employee converts. An employee serving in a temporary work level who elects to convert unused accrued vacation leave to cash shall do so at the base rate of



pay of the employee's normal classification.

(5) An employee who separates from state service during the year shall not be eligible for the cash benefit provided under division (F) of this section.

(6) The cash benefit set forth in division (F) of this section shall not be subject to contributions to any of the retirement systems, either by the employee or the employer.

(7) The director shall establish procedures to implement this division. The director shall include in the procedures a final date by which an employee must notify the director of the amount of unused accrued vacation leave to be converted to cash. Except as provided in division (B) of this section, an employee's unused accrued vacation leave balance shall automatically carry forward if the employee does not notify the director in accordance with the procedures the director establishes.

(G) Division (F) of this section does not apply to employees of the supreme court, the general assembly, the legislative service commission, the secretary of state, the auditor of state, the treasurer of state, or the attorney general unless the supreme court, the general assembly, the legislative service commission, the secretary of state, the auditor of state, the treasurer of state, or the attorney general decides that the employees of those respective entities should be eligible for the opportunity to convert unused accrued vacation leave pursuant to division (F) of this section and notifies the director in writing on or before the first day of October of the calendar year of the decision to make the employees eligible. The first year that these entities may elect to allow to make the employees eligible is 2023. After notifying the director in writing of the decision that employees of those respective entities are eligible, those employees remain eligible until the respective entity notifies the director in writing on or before the first day of October of the calendar year that the employees are ineligible. If any entity notifies the director of a decision that employees of those entities are ineligible during any calendar year, those employees remain ineligible until the entity notifies the director in writing on or before the first day of October of the calendar year that the employees are eligible. This division does not apply to employees defined as public employees under section 4117.01 of the Revised Code.