

RESOLUTION NOTING ON THE RECORD THE VACATION POLICIES OF THE ASHTABULA COUNTY PROSECUTOR'S OFFICE

WHEREAS, the Ashtabula County Prosecutor has notified this board in writing of certain policies that are being implemented in the Prosecutor's office regarding vacation time; and

WHEREAS, Ohio Revised Code Section 325.19(C), outlines Vacation leave- holiday pay; and

THEREFORE, BE IT RESOLVED, by the Board of Ashtabula County Commissioners that the vacation policies of the Ashtabula County Prosecutor's Office are hereby noted for the record.

**ASHTABULA COUNTY COMMISSIONERS
CERTIFICATION PAGE**

Resolution No. 2021-398

October 19, 2021

**RESOLUTION NOTING ON THE RECORD THE VACATION POLICIES OF THE
ASHTABULA COUNTY PROSECUTOR'S OFFICE**

Upon the motion of J.P. Ducro IV, seconded by Casey R. Kozlowski.

VOTE:

**Kathryn L. Whittington
J.P. Ducro IV
Casey R. Kozlowski**

**Aye
Aye
Aye**

CERTIFICATE OF CLERK

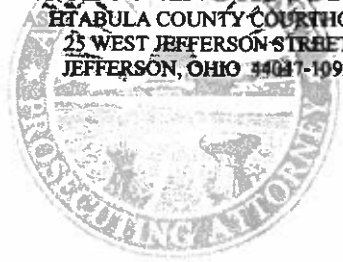
IT IS HEREBY CERTIFIED that the foregoing is a true and correct transcript of a resolution acted upon and duly passed by the Board of County Commissioners of Ashtabula County, Ohio, on the date noted above.



Lisa Hawkins, Clerk of the Board
Board of County Commissioners
Ashtabula County, Ohio

Chief Assistant, Criminal Division
Bret R. Hortup
Criminal Division
Gene C. Barrett
John D. Lewis
Alexandria R. Scheid
Omar L. Siddiq
Carolyn Kaye Ranke
Juvenile Court Division
Tamara A. Wetherholt
Children Services Division
Margaret Draper
Civil Division
Rebecca K. Divoky
Catherine R. Colgan
Elchanan G. Stern
Laura T. Pizmoht
Appellate Division
Shelley M. Pratt
Tax Division

COLLEEN M. O'TOOLE
PROSECUTING ATTORNEY



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Tax Division
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Victims/Witness Assistance
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Hattie Etsweirth
(440) 576-3223

VACATION LEAVE ACCRUAL

It is my intent, as Ashtabula County Prosecuting Attorney, a County Appointing Authority, to give permission to my employees to accumulate and carry over unused hours of vacation leave time from year to year with a maximum of two years accumulation, as permitted under R.C. 325.19(C).

4.9.2021
Date

Colleen M. O'Toole
Colleen M. O'Toole, Prosecuting Attorney

cc: Commissioners

Section: 5.4

VACATION

A. All full-time employees will accrue vacation benefits as shown on the chart below. Vacation accrues while an employee is on active pay status but not during overtime work.

<u>YEARS OF SERVICE</u>	<u>VACATION</u>	<u>80 HOURS WORKED</u>
Less than 1 year	5 Workdays	3.1
1 year to 8* years	10 Workdays	3.1
8 years to 15* years	15 Workdays	4.6
15 years to 25* years	20 Workdays	6.2
25 or more years	25 Workdays	7.7

*On the eighth (8th) year, fifteen (15th) years and twenty-fifth (25th) year anniversary of employment, an employee is credited with one (1) additional week of vacation. Vacation begins to accrue at the higher rate after the eighth (8th), fifteen (15th) and twenty-fifth (25th) year anniversary dates.

B. All part-time, temporary, seasonal or intermittent employees working less than the standard full-time schedule in one department are not eligible for paid vacation leave.

C. Upon hire, a new employee receives five (5) work days and also begins earning 3.1 hours per pay period. Employee may access to up to five (5) work days upon hire and further hours as they are accrued. Employee must use the first week (40 hours) earned by their hire anniversary date as that week will not be carried over past the anniversary date. If an employee terminates his/her employment before serving one (1) full year with the County, he/she will receive no vacation pay.

D. Employees must take vacation time even if working remotely. An employee is expected to be within a reasonable proximity to their home during their remote work. Employees are not permitted to use the privilege of remote work in lieu of vacation or combine working remotely with vacation hours.

E. In no case may an employee take vacation before it is accrued.

F. The employee may carry over two (2) years of current accrual to the employee's next anniversary date. Vacation accrual over one year will be removed from an employee's balance on that anniversary date. In special and cases where the Employee was required to work due to the needs of the Office and was unable to take their required vacation time, the Prosecutor may authorize an employee to carry his/her unused vacation over one (1) or more additional anniversary dates. Under no circumstances will an employee be eligible to accumulate more than the total vacation accrued during the two (2) previous anniversary years plus the current year's accrual. In order to request the possibility of an authorized carry over an employee must provide

a written request to the Prosecutor for consideration which may or may not be approved. The Prosecutor has sole discretion to authorize any further carry over. See Form C-2 Vacation Carry-Over Authorization Request Form and Form C-3 Auditor Notification of Carry Over Approval

Ohio Revised Code 325.19 (F) states in pertinent part that any appointing authority of a county office, department, commission, board or body may, upon notification to the board of county commissioners, establish alternative schedules for vacation leave and holidays for employees of the appointing authority for whom the state employment relations board has not established an appropriate bargaining unit pursuant to section 4117.06 of the Revised Code, as long as the alternative schedules are not inconsistent with the provision of at least one collective bargaining agreement covering other employees of that appointing authority, if such an agreement exists. If no such collective bargaining agreement exists, and appointing authority, upon notification to the board of county commissioners, may establish and alternative schedule of vacation leave and holidays for its employees that does not diminish the vacation and holiday leave benefits granted by the section.

If any appointing authority desires to develop an alternative policy or schedule please send it in writing to the attention of the board of commissioners so they may officially accept and file the policy and/or schedule. A copy of any alternative accrual or schedule should be given to the board of commissioners as well as the auditor so he/she may correctly reflect the authorized accrual schedule in the payroll system so authorized leave accrual will not be exceeded, and to insure the correct leave earning schedule is being used.

Each department shall review the employees leave accrual to ensure it is in compliance with the Appointing Authorities policy. Any discrepancies found should be adjusted and reported to the County Auditor to ensure the payroll system reflects an accurate leave balance. Any adjustment should be in writing noting the approval of the Prosecutor.

G. Employees are not permitted to work rather than take vacation leave and be paid for hours worked plus vacation pay.

H. An employee who has completed at least one (1) year of service upon separation from service, will be paid for any accrued, but unused, vacation leave to his/her credit. Payment will be at the employee's current rate of pay. *The employee should only be paid his or her amount of vacation pay-out equal to that approved in G above. The maximum amount as stated in Ohio Revised Code Section 325.19 shall not exceed what has been authorized in writing by the Prosecutor.*

An employee that separates or transfers to another county office/agency should be paid vacation time in accordance with section G prior to starting with new office/agency unless otherwise permitted to keep it upon separation or transfer to said office/agency by agreement of the current Prosecutor and new appointing authority.

I. Vacation leave requests must be submitted on Time Usage Form (Appendix C) to the Prosecutor for approval. The Prosecutor will establish the advance notice required for vacation requests.

J. Vacation leave may be denied during a specific period, if the workload dictates.

K. If an employee is disabled due to illness or injury, or experiences a death in the family that would qualify for paid sick leave, while he/she is on vacation, he/she may request time off charged to sick leave by showing documented proof of eligibility. If the reason for the leave qualifies under the family medical leave policy, the leave will be charged against the employee's family and medical leave entitlement from the date of the qualifying event.

L. All Assistant Prosecutor requesting vacation leave must obtain coverage for any hearings/proceedings to be heard during the requested leave or clear their assigned docket prior to any leave being approved by the Prosecutor. Failure to cover assignments and/or hearings/proceedings may lead to disciplinary action.

M. Any Employee leave, excluding emergencies, shall be placed on the Prosecutor's General Calendar and on the Employee's Matrix Calendar.

N. All leave form shall be completed and given to the Office Manager for conflict review. Once a conflict review has been performed, the Office Manager shall submit the leave form to the Prosecutor for

Approved: 
Revised: 08/25/2021