



# Members Only

AN INFORMATIONAL BRIEF PREPARED FOR MEMBERS OF THE OHIO GENERAL ASSEMBLY BY THE LEGISLATIVE SERVICE COMMISSION STAFF

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## Ohio Laws Governing State Holidays\*

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Ohio statutes designate a number of days as legal holidays or other special days. This informational brief discusses these statutes and their effects on public employees, business, and government.

Legal Holidays Observed by the State	
Holiday	Date of Observance
New Year's Day	January 1
Martin Luther King Day	Third Monday in January
Washington-Lincoln Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veterans Day	November 11
Thanksgiving Day	Fourth Thursday in November
Christmas Day	December 25
<b>Plus</b>	
Any day appointed and recommended by the Governor of Ohio or the President of the United States as a holiday	

Source: R.C. 1.14 and 5.21

*There are ten legal holidays observed by the State of Ohio.*

\* This *Members Only* brief is an update of earlier briefs on this subject dated August 3, 2004 (Volume 125 Issue 5) and September 18, 2006 (Volume 126 Issue 7).



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State employees are paid for ten holidays.

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If a legal holiday falls on a Saturday, it is observed on the immediately preceding Friday; if it falls on a Sunday, it is observed on the immediately following Monday.

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Certain state employees required to work on a legal holiday receive premium pay or compensatory time off.

## Public Employees

### State employees

**General rule.** An employee whose compensation is paid in whole or part by the state is paid for the ten legal holidays observed by the state and cannot be required to work on those days unless, in the opinion of the responsible administrative authority, failure to work on those days would impair the public service. The days are designated as paid holidays for state employees. If any of the holidays falls on a Saturday, the immediately preceding Friday is observed as the holiday; if any falls on a Sunday, the immediately following Monday is observed as the holiday. R.C. 1.14, 5.21, 124.18(B), and R.C. 124.19(A).

**Special rules.** An employee whose work schedule is other than Monday through Friday is entitled to holiday pay for holidays observed on the employee's day off regardless of the day of the week on which they are observed. A *full-time* permanent employee is entitled to a minimum of eight hours of pay for each holiday regardless of the employee's work shift and schedule. A *flexible-hours* employee who is normally scheduled to work in excess of eight hours on a day on which a holiday falls either (1) must receive additional holiday pay for the normally scheduled hours of work or (2) must be required to work an alternate schedule for that week--it may consist of five shifts

of eight hours each during the week including the holiday, in which case the employee must receive eight hours of holiday pay for the day the holiday is observed. *Part-time* permanent employees must be paid holiday pay on a pro-rated basis, based on the daily average of actual hours worked, excluding overtime hours, during the previous calendar quarter as calculated on the first day of January, April, July, or October. R.C. 124.18(B).

An employee who is paid directly by warrant of the Director of Budget and Management and who is scheduled to work on a holiday *but does not report to work the day before, the day of, or the day after the holiday* due to personal illness or illness of an immediate family member does not receive holiday pay, unless the employee provides documentation of extenuating circumstances that prohibited reporting to work. Further, only an employee who is in active pay status (a status in which the employee is being paid because the employee either is actually working or receiving some type of approved paid leave) on the scheduled work day immediately preceding a holiday receives holiday pay. R.C. 124.18(B).

**Overtime eligibility and ineligibility caveats.** When an employee who is *eligible for overtime pay* is required to work on a day observed as a holiday, the employee generally is entitled to be paid for the time worked at one and one-half times the employee's regular rate of



pay in addition to the employee's regular pay. But, the employee can choose instead compensatory time off with pay in the same ratio. R.C. 124.18(B).

An appointing authority may adopt a policy allowing employees *ineligible for overtime pay* to work on a holiday and take time off later as compensatory time. Specifically, a state agency may award compensatory time or pay compensation to its employees ineligible for overtime pay through a policy the agency establishes with the approval of the Director of Administrative Services. Employees are exempt from the payment of overtime compensation only under the criteria for exemption established in the Federal Fair Labor Standards Act of 1938. R.C. 124.18(A).

**Colleges and universities.** The board of trustees of a community college, technical college, state community college, or four-year state university or college is permitted to establish a policy, for all of its employees, of observing Martin Luther King Day, Washington-Lincoln Day, or Columbus Day on other days. For example, the institution could require its employees to work on Columbus Day and designate the day after Thanksgiving or Christmas Eve as the day on which the Columbus Day holiday will be observed. R.C. 124.19(B).

### **Local government employees**

**Counties and townships.** Holiday pay generally is granted to county and township employees for the same holidays as designated for state employees, except unspecified holidays to be appointed and recommended by the Governor or the President of the United States. Township employees are entitled to the holiday pay only if they are regular employees with at least six months full-time township service before the month in which a holiday occurs. The Revised Code does not specify how county and township employees are to be compensated if they are required to work on a holiday. R.C. 325.19(D) and R.C. 511.10.

A 1982 opinion of the Attorney General advised that a township employee required to work on a holiday must be compensated for the hours actually worked at the employee's normal rate of pay in addition to receiving eight hours of holiday pay. 1982 Op. Att'y Gen. No. 82-051. An earlier Attorney General opinion held that a board of township trustees may grant holiday pay in excess of the minimum set by statute. 1981 Op. Att'y Gen. No. 81-061. Similarly, a 1999 opinion held that a county's appointing authority could grant its employees who are not in a collective bargaining unit holiday leave in excess of the statutory minimum. 1999 Op. Att'y Gen. No. 99-039.

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*State institutions of higher education are allowed to switch the day for the observance of three holidays that occur during the academic year.*

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*County, township, and nonteaching school district employees are entitled to holiday pay for all or most of the same legal holidays as state employees.*



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*Holiday pay is required for nonteaching school employees for certain days.*

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*If the last day on which an act required by law to be performed falls on a Sunday or legal holiday, the act may be done on the next day that is not a Sunday or legal holiday.*

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*Every Saturday afternoon technically is a legal holiday, but no public agency is required by law to close down or grant holiday pay to employees who work on that afternoon.*

**School districts.** A board of education may dismiss schools under its control on the holidays designated for state employees and on days approved by the board for teachers' attendance at educational meetings. Holiday pay is required by statute for *certain* of those holidays for *nonteaching* school district employees. A board of education may declare any other day to be a paid holiday for nonteaching school-district employees except days approved for teachers' attendance at educational meetings. A nonteaching school district employee who is required to work on a holiday must be granted compensatory time off for which the employee must be paid at the employee's regular rate of pay or a premium rate established by the board for work performed on a holiday. R.C. 3313.63 and R.C. 3319.087.

**Overtime.** Although the Federal Fair Labor Standards Act of 1938 does not require that local government employees receive premium pay for working on a holiday, the Act does require that they receive premium pay or compensatory time off if, by working on a holiday, they work more than 40 hours in a workweek.

**Other political subdivisions.** The Revised Code requires paid holidays only for state, county, township, and school district employees. If the employees of other political subdivisions receive holiday pay, or employees of the state or a county, township, or school district receive

holiday pay for days other than those listed in statute, this results from one of the following: an ordinance, charter, or policy adopted by a political subdivision; a policy adopted by a state agency; or a collective bargaining agreement between a political subdivision or state agency and a labor organization.

### ***Effect of Legal Holidays on Deadlines for Certain Acts***

The *time within* which an act must, by law, be performed is computed by excluding the first and including the last day. But when the last day falls on a Sunday or legal holiday, the act may be performed on the next day that is not a Sunday or legal holiday. Similarly, when a public office in which an act required by law is to be performed is *closed to the public* for the entire day that constitutes the last day for performing the act, or is closed before its usual closing time on that day, the act may be performed on the next day that is not a Sunday or legal holiday. R.C. 1.14. Many statutes that require an act to be performed, or that prohibit an act from being performed, within a specified number of days exclude a legal holiday being counted among those days.

Every *Saturday afternoon* is statutorily declared to be a legal holiday, beginning at noon and ending at midnight, and no Revised Code section or court decision affects the validity of any check, bill of



exchange, order, promissory note, due bill, mortgage, or other “writing obligatory” made, signed, negotiated, transferred, assigned, or paid during that period on a Saturday, or any other transaction during that time. R.C. 5.30. The Ohio Supreme Court has construed this provision to mean that an application for reconsideration of an unemployment compensation claim was properly filed within the ten-day limit when the tenth day for filing fell on a Saturday and the application was filed on the following Monday. *Van Meter v. Segal-Schadel Co.* (1966), 5 Ohio St.2d 185.

Any *financial institution* doing business in Ohio may perform certain transactions outside of regular business hours on any day or at any time on a day that is in whole or in part a holiday. These transactions are (1) paying, certifying, or accepting negotiable or nonnegotiable instruments, including a “demand instrument,” dated on the holiday on which it is presented for payment, certification, or acceptance, and (2) any other business that would be valid if done on a business day during regular banking hours. A financial institution that remains open for business on all or part of any holiday is not required to perform any act on that day in its capacity as a collection agent that would not be required if it were closed during that period. R.C. 5.40.

A *bank* may close on any day designated by proclamation of the President of the United States or the Governor as a day of mourning, rejoicing, or other special observance.

In this situation, the bank is not required to comply with Revised Code provisions regarding the closing or reopening of banks or financial institutions. R.C. 1103.21(B).

### **General Election Day Afternoon as a Legal Holiday**

#### ***Declaration and ramifications***

That portion of a general election day between noon and 5:30 p.m. is statutorily declared to be a legal holiday. R.C. 5.20. But, neither that section nor any other statute grants public employees paid leave for these hours, although employees could receive such paid leave if their employer or a collective bargaining agreement grants it. The Attorney General has concluded that county employees are not required to be paid holiday pay for working these hours. 1965 Op. Att’y Gen. No. 65-225. R.C. 5.20 *does not require any public agency* to close down or grant paid leave to its employees on general election day afternoon.

#### ***Elector rights on any election day***

Ohio’s election law prohibits *any employer* from discharging or threatening to discharge an elector for taking a *reasonable amount of time to vote on any election day*, or refusing to permit an elector to serve as an election official on any election day. R.C. 3599.06.

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*Each general election day afternoon also technically is a legal holiday, but public agencies are not required to close down or grant holiday pay to employees on that afternoon.*

*The law designates a number of special days, months, or other periods of time, but does not make them legal holidays or grant holiday pay to any public employee relative to them. In some cases, the law directs certain public officials to encourage observance of a special day.*

## **Designation of Special Days**

Both acts and resolutions of the General Assembly have been used to designate special days, weeks, or months. Acts permanently designate a day, week, or month. Resolutions are used for designations that do not extend beyond the two-year session of the General Assembly that adopted them. In general, resolutions are designed to express the will of one or

both houses of the General Assembly, but do not carry the force of law.

Acts that designate special days, weeks, or months are contained in Chapter 5 of the Revised Code; they are listed in the following chart. The law does *not* designate them as legal holidays or grant holiday pay to any public employee relative to them, although in some case the law directs certain public officials to encourage observance of a special day. 

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<b>Statutory Designation of Special Days, Weeks, and Months</b>		
<b>Special Day</b>	<b>Time of Observance</b>	<b>R.C. citation</b>
Ohio Braille Literacy Week	First week in January	5.226
Ohio Township Day	February 1	5.2214
Colorectal Cancer Awareness Month	March	5.2219
Eye Donor Month in Ohio	March	5.2223
Multiple Sclerosis Awareness Month	March	5.2232
Ohio Statehood Day	March 1	5.224
School Energy Conservation Day in Ohio	Third Friday in March	5.2212
Ohio Child Abuse Awareness Month	April	5.2222
World War I Day	April 6	5.221
Tartan Day	April 6	5.2221
Exemplary Adult Care Provider Day	April 18	5.2218
Child Care Worker Appreciation Week in Ohio	Week of April 19	5.2211
Arbor Day	Last Friday in April	5.22
Workers Memorial Day	April 28	5.225
Heritage and Freedom Flag of the Former Republic of Vietnam Day	April 29	5.2238
Ohio Cystic Fibrosis Awareness Month	May	5.2228
Ohio Lyme Disease Awareness Month	May	5.2237

<b>Statutory Designation of Special Days, Weeks, and Months</b>		
<i>Special Day</i>	<i>Time of Observance</i>	<i>R.C. citation</i>
Nutrition and Physical Fitness Month	May	5.2235
School Bus Drivers Appreciation Day	First Monday in May	5.2224
Teacher Appreciation Day	Tuesday of the first full week in May	5.2225
Crohn's and Colitis Awareness Day	May 23	5.2240
Prostate Cancer Awareness Month	June	5.2217
Dean Martin Day	June 7	5.2220
Destroyer Escort Day in Ohio	Third Saturday in June	5.227
Ohio National Guard Day	July 25	5.2216
Korean War Veterans' Day	July 27	5.228
Sickle Cell Anemia Awareness Month	September	5.2226
Leukemia, Lymphoma, and Myeloma Awareness Month	September	5.2230
Ohio Public Safety Employee Day	September 11	5.2233
Parent's Week	Fourth week in September	5.2229
Emancipation Day	September 22	5.2234
Native American Indian Day	Fourth Saturday in September	5.223
Gold Star Mothers Day	Last Sunday in September	5.229
German Heritage Month	October	5.2236
Ohio Breast Cancer Awareness Month	October	5.2213
Ohio Hepatitis C Awareness Month	October	5.2215
General Pulaski Memorial Day	October 11	5.222
Ohio Mammography Day	Third Thursday in October	5.2213
Veterans Educate Today's Students Day (or V.E.T.S. Day)	November 10	5.23(B)
George Rogers Clark Day	November 19	5.2227
Rosa Parks Day	December 1	5.2231
Ohio Aviation and Aerospace History Education Week	Week of December 17	5.2210