

SOME ODDS AND ENDS

Vacation Leave

The amount of vacation leave provided by an employer is strictly up to the employer. It is also up to the employer as to how vacation leave is earned. For example, some employers allow for a number of hours or days per month; some allow for vacation to be earned at the completion of a year and each employment anniversary thereafter; some calculate vacation pay based on anniversary hire dates, others will use a calendar date calculation. Regardless of what method you use, it is important that the employees understand how vacation is earned. An employer should also make it clear as to whether unused vacation may be carried forward from year to year and, if so, the number of days that may be carried forward.

A dispute sometimes arises when the employee separates from employment and wishes to “cash out” their unused vacation leave. Ohio law leaves it to the employer to determine whether to permit an employee to “cash out” their unused vacation leave. Once again, there are a variety of ways this can be handled. For example, some employers do not permit employees to “cash out” unused vacation, or may allow a certain number of days to be “cashed out” provided the employee gives adequate notice or is not discharged for cause. Once again, it is important to be clear in your vacation leave policies as to whether unused vacation may be cashed out and, if so, under what circumstances.

Sick Leave

Just like in the case of vacation leave, Ohio law does not require a private employer to have a paid sick leave policy. If you choose to provide employees with paid sick leave, it is important to be clear about the conditions for being paid for sick leave. In other words, is a doctor’s excuse required and, if so, after how many days of sick leave? Is an employee going to be paid if the sick day is taken before or after a holiday? Can sick leave be carried forward from year to year? As with the other leave policies, it is important to be clear about your paid sick leave policy, if you have one.

Jury Duty

Under Ohio law, private employers are not required to pay an employee for time off for jury duty but, of course, may do so, and some employers will pay the employee the difference between their normal daily wage and what the employee receives for jury duty. In some counties, jury duty lasts typically two weeks; however, there are those cases which can last a month or more. Therefore, some employers choose to only pay the employee for up to two weeks of jury duty. Once again, whatever your policy is, make sure it is communicated to your employees.

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