

Dear Mr. McIntosh:

This will acknowledge receipt of your recent letter in which you requested my opinion on whether a county employee may take fifteen days of his accumulated vacation leave of thirty days this year and save the balance of the fifteen days until next year.

At the outset I call your attention to my recent opinion, Opinion No. 37, Volume 24, Official Opinions of the Attorney General, a copy of which I am enclosing.

Chapter 131, Session Laws of 1949, provided that each employee of any county is entitled to annual vacation with full pay at the rate of one and one-quarter working days for each month of service. Section 2 of this act provided:

"Such annual vacation leave may be accumulated to a total not to exceed thirty working days."

Hence, it is clear from Section 2 of the Act that the legislature contemplated that an employee might not, for one reason or another, take the full fifteen working days of leave to which he would be entitled each year. He could forego all, or part of his vacation leave and the unused portion could accumulate up to a maximum of thirty days.

Although the legislature amended chapter 131, supra, in the last session by enacting Chapter 152, Session Laws of 1951, this amendment does not affect our present problem.

Therefore, it is my opinion that an employee who has accumulated thirty days of vacation leave may use up to fifteen days of the total and may again accumulate an additional fifteen days leave up to a maximum of thirty days as provided by law.

Very truly yours,
ARNOLD H. OLSEN,
Attorney General

Opinion No. 42

**Counties—Vacation Leave of
Employees.**

Held: That an employee who has accumulated thirty days of vacation leave may use up to fifteen days of the total and may again accumulate an additional fifteen days leave up to a maximum of thirty days as provided by law.

October 18, 1951.

Mr. J. J. McIntosh
County Attorney
Rosebud County
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