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Business Days Defined

A Webinar Presented by the Open Records Division
Office of the Attorney General

Business Days - § 552.0031

- Except as provided by § 552.0031, a business day means a day other than:
 - Saturday or Sunday
 - National holiday under Gov't Code § 662.003(a)
 - State holiday under Gov't Code § 662.003(b)



National Holidays under Gov't Code § 662.003(a)

New Year's Day

Labor Day

Martin Luther King, Jr. Day

Veterans Day

Presidents' Day

Thanksgiving Day

Memorial Day

Christmas Day

Independence Day



State Holidays under Gov't Code § 662.003(b)

Confederate Heroes Day
(January 19th)

Lyndon Baines Johnson Day
(August 27th)

Texas Independence Day
(March 2nd)

The Friday after Thanksgiving Day

San Jacinto Day (April 21st)

The 24th day of December

Emancipation Day in Texas
(June 19th)

The 26th day of December



Exceptions to Business Days Definition

- Exceptions (Gov't Code § 552.0031(c)-(f)):
 - Optional holidays under Gov't Code § 662.003(c) (if observed)
 - Higher education holidays under Gov't Code § 662.011(a)
 - Friday before or Monday after a weekend national/state holiday (if observed)
 - Up to ten additional designated nonbusiness days in a calendar year



Optional holidays under Gov't Code § 662.003(c) (if observed)

- An optional holiday under Section 662.003(c) is not a business day of a governmental body if the officer for public information of the governmental body observes the optional holiday.
 - Rosh Hashanah
 - Yom Kippur
 - Good Friday



Higher education holidays under Gov't Code § 662.011(a)

- (a) The governing body of an institution of higher education, as defined by Section 61.003 of the Education Code, other than a public junior college as defined by that section, may establish the holiday schedule for the institution, subject to any applicable limitation on the observance of holidays prescribed by the General Appropriations Act.



Friday before or Monday after a weekend national/state holiday (if observed)

- The Friday before or Monday after a holiday described by Subsection (a)(2) or (3) is not a business day of a governmental body if the holiday occurs on a Saturday or Sunday and the governmental body observes the holiday on that Friday or Monday.



Up to ten additional designated nonbusiness days

- The designation of a nonbusiness day for an independent school district must be made by the board of trustees.
- The designation of a nonbusiness day for a governmental body other than an independent school district must be made by the executive director or other chief administrative officer. A governmental body may designate not more than 10 nonbusiness days under this subsection each calendar year.



What about skeleton crew days?

A governmental body's skeleton crew day is a business day unless it is a national holiday, state holiday, or an exception applies pursuant to section 552.0031(c)-(f).



Counting Business Days

- Start counting the next business day after receiving a written request.
- “Received” means when it is physically received, not when it is finally opened or read (this includes e-mail).
- The state and national holidays described in sections 662.003(a) and 662.003(b) of the Government Code are not business days regardless of whether a governmental body observes the state or national holiday.



Counting to 10

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 Written Request Received	3 1	4 2	5 3	6 4	7
8	9 5	10 6	11 7	12 8	13 9	14
15	16 10	17	18	19	20	21



Example: National or State Holidays (Slide 1 of 4)

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
17	18 Written Request Received	19	20	21	22	23
24	25 Christmas Day	26 26th Day of December	27 Skeleton Crew	28	29	30
31	1 New Years Day	2	3	4	5	6



Example: National or State Holidays (Slide 2 of 4)

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
17	18 Written Request Received	19 1	20 2	21 3	22 4	23
24	25 Christmas Day	26 26th Day of December	27 5 Skeleton crew	28 6	29 7	30
31	1 New Years Day	2 8	3 9	4 10	5	6



Example: National or State Holidays (Slide 3 of 4)

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
17	18 Written Request Received	19 1	20 2	21 3	22 4	23
24	25 Christmas Day	26 26th Day of December	27 Designated nonbusiness day	28 5	29 6	30
31	1 New Years Day	2 7	3 8	4 9	5 10	6

Pursuant to section 552.0031(f) of the Government Code, a governmental body may designate a day on which the governmental body's administrative offices are closed or operating with minimum staffing as a nonbusiness day.



Example: National or State Holidays (Slide 4 of 4)

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
17	18 Written Request Received	19 1	20 2	21 3	22 24th Day of December Observed	23
24	25 Christmas Day	26 26th Day of December	27 4 Skeleton crew	28 5	29 6	30
31	1 New Years Day	2 7	3 8	4 9	5 10	6

Pursuant to section 552.0031(e) of the Government Code, the Friday before or Monday After a national or state holiday under sections 662.003(a) and 662.003(b) of the Government Code is not a business day of a governmental body if the holiday occurs on a Saturday or Sunday and the governmental observes the holiday on that Friday or Monday.



Example: Weather Related Closure (Slide 1 of 3)

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 Written Request Received	3	4 Closed Due to Weather	5 Closed Due to Weather	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21



Example: Weather Related Closure (Slide 2 of 3)

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 Written Request Received	3 1	4 2 Closed Due to Weather	5 3 Closed Due to Weather	6 4	7
8	9 5	10 6	11 7	12 8	13 9	14
15	16 10	17	18	19	20	21



Example: Weather Related Closure (Slide 3 of 3)

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 Written Request Received	3 1	4 Catastrophe notice Closed Due to Weather	5 Catastrophe Notice Closed Due to Weather	6 2	7
8	9 3	10 4	11 5	12 6	13 7	14
15	16 8	17 9	18 10	19	20	21

In certain circumstances, a governmental body may file a catastrophe notice to temporarily suspend the applicability of the Public Information Act.



Temporary Suspension of the Act - § 552.2325

- A governmental body may suspend the applicability of the requirements of the Act for an initial suspension period not exceeding seven consecutive calendar days and may extend this time period only once for an additional period not exceeding seven consecutive calendar days.
- A governmental body may invoke a suspension period, and one subsequent extension, only once per catastrophe.
- Proper notice must be provided to the OAG and posted by the governmental body in a manner that is readily accessible to the public and in each other location notice is required to be posted by the Open Meetings Act.



Catastrophe Defined - § 552.2325

(1) “Catastrophe” means a condition or occurrence that directly interferes with the ability of a governmental body to comply with the requirements of this chapter, including:

(A) fire, flood, earthquake, hurricane, tornado, or wind, rain, or snow storm;

(B) power failure, transportation failure, or interruption of communication facilities;

(C) epidemic; or

(D) riot, civil disturbance, enemy attack, or other actual or threatened act of lawlessness or violence.

(2) “Catastrophe” does not mean a period when staff is required to work remotely and can access information responsive to an application for information electronically, but the physical office of the governmental body is closed.



How do catastrophe suspension periods effect the calculation of 10-day and 15-day deadlines?

- A request for public information received by a governmental body before the date an initial suspension period begins are *tolled* until the first business day after the date the suspension period ends.
- A request for public information received by a governmental body during a suspension period is considered to have been received by the governmental body on the first business day after the date the suspension period ends.



Don't forget!

- Inform the OAG of designated nonbusiness days, observed optional holidays, and national/state holidays that fall on Saturday or Sunday, but are observed the Friday before or Monday after.
- File a catastrophe notice, if appropriate.



Questions?

OAG's Open Government Hotline

(877) OPEN TEX
(512) 478-6736

Cost Questions

OAG Cost Rules Administrator
(888) OR-COSTS
(512) 475-2497

OAG website

<http://www.texasattorneygeneral.gov>

