



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN 11, TEXAS**

**WILL WILSON  
ATTORNEY GENERAL**

June 15, 1959

Honorable J. E. Peavy, M.D.  
Commissioner of Health  
Department of Health  
Austin, Texas

Opinion No. WW-644

Re: Under the Meat Inspection Law, Article 4476-3, Vernon's Civil Statutes, and the General Appropriation Act, may the Department of Health grant compensatory time to inspection employees?

Dear Dr. Peavy:

You have requested our opinion on whether, under the Meat Inspection Law, Article 4476-3, Vernon's Civil Statutes, and the General Appropriation Act, the Department of Health may grant compensatory time to inspection employees for work in excess of eight hours per day or forty hours per week, as well as for work on official holidays.

Section 14a of Article 4476-3, Vernon's Civil Statutes, reads as follows:

"Sec. 14a. Any person, firm, association, or corporation desiring to use the 'Texas State Approved' meat label in representing, publishing, or advertising any meat or meat food products offered for sale or to be sold in this State for human consumption shall pay for the necessary inspection service, and the State Board of Health shall adopt rules and regulations relating to such inspection charges which will, in effect, provide that the fees charged shall be fixed as nearly as possible with reference to the cost of maintaining the inspection service by the State Health Department which is necessary to permit the use of the 'Texas State Approved Meat for Human Food' label. Any such moneys charged and collected for such inspection service shall be payable to the State Health Department and shall be deposited in the State Treasury in a special account to the credit of the State Health Department and used for the purpose of carrying out the program of inspection which is necessary before the

issuing of permits for the use of the 'Texas State Approved Meat for Human Food' label."

Your request indicates that, because of the irregular hours required by packing plant operations, the inspectors are often required to work more than forty hours per week, and in some instances as much as fifty to sixty hours per week. It is our understanding that the meat inspectors are salaried annual employees, paid in twelve equal monthly installments.

Section 26 of Article VI of House Bill 133, Acts 55th Legislature, Regular Session, 1957, chapter 385, page 870 (the current General Appropriation Bill), provides the employment policies for State employees, relating to hours of work. Subsection (a) of Section 26, provides in part as follows:

"a. Office hours of State agencies will be from 8:00 a. m. to 5:00 p. m., Monday through Friday of each week except holidays authorized in this Act. The responsible executive head will arrange for the State headquarters of each agency to be open on each Saturday from 8:00 a.m. to 12:00 noon with an administrative assistant on duty in order to carry out any business of the agency. Regular employees of the State shall work 40 hours a week excepting official holidays. It is further provided that exceptions to the minimum length of work week may be made by the operating head of a state agency for house parents and other employees whose duties require them to reside in a State hospital or institution; for guards, firemen, and other employees whose services are required for longer periods in the public interest; and pursuant to Article II of this Act."

In our opinion, the Legislature has authorized the various departments to prescribe the hours to be worked by regular State employees consistent with the nature of the duties to be performed, especially when these duties will not fall into the regular 8:00 a.m. to 5:00 p.m. work day, or the forty hour week. In view of the nature of the duties to be performed by the inspectors in question, you are advised that you are authorized to establish the hours such employees will work, and the hours they may be let off, so long as such employees meet the minimum requirement that

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regular State employees work at least or in excess of an average of forty hours per week.

Your question is answered in the affirmative, so long as the work hours of the employees in question conform to the minimum requirement of the General Appropriation Bill.

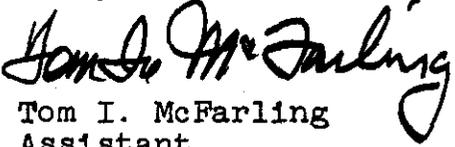
S U M M A R Y

Under Article 4476-3, Vernon's Civil Statutes, and the General Appropriation Bill, the Department of Health has authority to establish a policy granting compensatory time off for employees who work in excess of eight hours per day or forty hours per week.

Yours very truly,

WILL WILSON  
Attorney General of Texas

By

  
Tom I. McFarling  
Assistant

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APPROVED:

OPINION COMMITTEE  
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REVIEWED FOR THE ATTORNEY GENERAL  
BY: W. V. Geppert