



**THE ATTORNEY GENERAL
OF TEXAS**

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**CRAWFORD C. MARTIN
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June 7, 1972

Dr. George J. Beto
Director
Texas Department of
Corrections
Huntsville, Texas 77340

Opinion No. M-1156

Re: Determination of accumu-
lation vacation under
Article 6252-8a, Vernon's
Civil Statutes.

Dear Dr. Beto:

You request our opinion on the maximum vacation accumu-
lation that can be used in determining death benefits as provided
in Article 6252-8a, Vernon's Civil Statutes. Section 2 of that
Article reads as follows:

"Upon the death of a state employee, the
state shall pay his estate for all of the
employee's accumulated vacation leave and
for one-half of his accumulated sick leave.
The payment shall be calculated at the
rate of compensation being paid the employee
at the time of his death." (Emphasis added.)

In our Opinion No. M-1075 (February, 1972), we held that
vacation entitlement was a benefit and right that accrues propor-
tionately for each month of service during the year and becomes
a vested right of an employee.

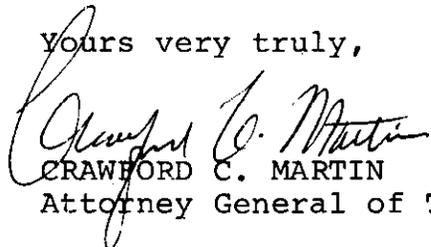
In Opinion No. M-984 (November, 1971), we held that an
employee's vacation entitlement may include but is limited to
that vacation time that was accumulated in the two (2) prior
fiscal years, plus that time which has accrued in the current
year.

Therefore, it is our opinion that the maximum death bene-
fits on vacation entitlement payable under Section 2 of Article
6252-8a, would be that vacation entitlement accumulated during
the two (2) fiscal years prior to the death of the employee, plus
the time accrued monthly during the fiscal year that the employee
dies.

SUMMARY

The estate of an employee is entitled to, as death benefit under Article 6252-8a, V.C.S., all the accumulated vacation time that has accrued in the two (2) prior fiscal years, plus that time that has accrued during the year of the death of the employee.

Yours very truly,


CRAWFORD C. MARTIN
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