



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

**JOHN L. HILL
ATTORNEY GENERAL**

January 15, 1975

The Honorable M. L. Brockette
Commissioner of Education
The Texas Education Agency
201 East Eleventh St.
Austin, Texas 78701

Opinion No. H- 496

Re: May a governmental body
meet in executive session to
discuss matters relating to
salaries of governmental
employees?

Dear Commissioner Brockette:

In reference to the Open Meetings Law you have asked:

May a school district board legally discuss in
a closed session matters relating to the establish-
ing, raising, or lowering of salaries of school
district personnel?

The Texas Open Meetings Law, article 6252-17, V. T. C. S.,
provides that, with a limited number of exceptions, all meetings of
governmental bodies covered by the law shall be conducted in open
session. Sec. 2(a). Meeting is defined as "any deliberation between
a quorum of members of a governmental body at which any public
business or public policy over which the governmental body has super-
vision or control is discussed or considered, or at which any formal
action is taken." Sec. 1(a).

Section 2(g) of the Act states:

Nothing in this Act shall be construed to require
governmental bodies to hold meetings open to the
public in cases involving the appointment, employ-
ment, evaluation, reassignment, duties, discipline,
or dismissal of a public officer or employee or to

hear complaints or charges against such officer or employee, unless such officer or employee requests a public hearing. (Emphasis added)

It is evident that section 2(g) was intended to cover the various aspects of an individual's employment relationship with the governmental body and in our opinion the section includes discussions pertaining to the setting and adjusting of an individual's salary since such discussions necessarily involve an evaluation of the employee's performance.

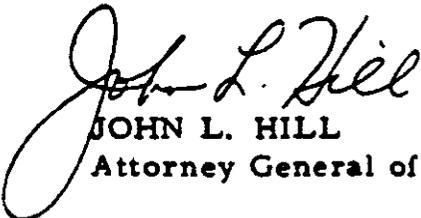
Consequently, you are advised that a school district may discuss in closed session the raising, lowering, or establishing of the salary of an individual employee, provided that the meeting is publicized as required by section 3A and that any closed session is first announced in open meeting as specified in section 2(a). Also, note the requirement of section 2(l) that all formal action be taken in public and the provision of section 2(g) giving employees and officers the right to a public hearing on their request.

The present question is to be distinguished from those situations where salaries or salary scales are discussed without reference to a specified individual. In the latter case, the discussions fall outside section 2(g), and must be conducted in public.

SUMMARY

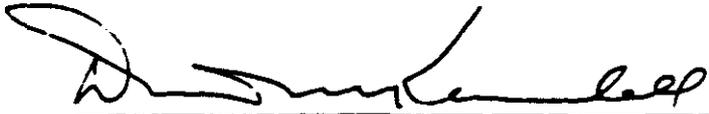
Under the Open Meetings Act a school board of trustees may meet in closed session to discuss salaries of individual employees, but it may not meet in closed session when it is considering salaries of a class of employees.

Very truly yours,



JOHN L. HILL
Attorney General of Texas

APPROVED:



DAVID M. KENDALL, First Assistant



C. ROBERT HEATH, Chairman
Opinion Committee

lg