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Opinion Committee

The Honorable Dan Morales
Attorney General of Texas
Supreme Court Building
7th Floor
Austin, Texas 78701

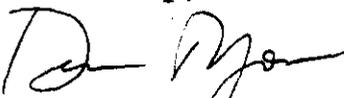
Dear General Morales:

The Texas Department of Mental Health and Mental Retardation has in its employment a state school superintendent whose spouse is employed at the same facility. Recently, this facility received accreditation from a nationally recognized body due in large part to the efforts of the employees of the school.

In order to recognize those employees who performed exceptionally well, the superintendent established a committee to evaluate performance and recommend to him persons to receive merit salary increases. The superintendent was not a member of the committee and had no part in deciding to whom the merit salary increases would be awarded. The superintendent's spouse was recommended for and received a merit salary increase.

Your advice and counsel is respectfully requested concerning the following question: Does the above-described procedure violate the provisions of Article 5996a, V.T.C.S.?

Sincerely,



Dennis R. Jones, MBA, MSW
Commissioner

P/011

cc: Bob Clark
Assistant State Auditor