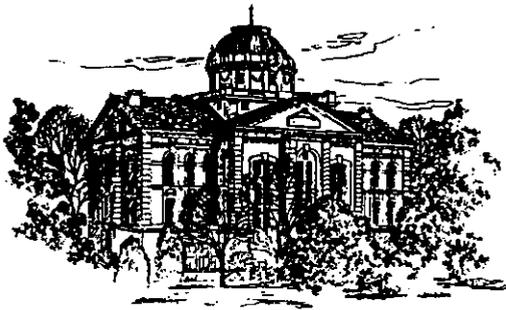


COLORADO COUNTY
Courthouse - 3rd Floor
Columbus, Texas 78934
409/732-2791



RAYMIE KANA
County Auditor

RQ-0068-JC

Colorado County Courthouse
Constructed in 1890

May 18, 1999

RECEIVED
MAY 20 1999
Opinion Committee

The Honorable John Cornyn
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548

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Dear Sir:

I am requesting an opinion from you on the matters below because I have gotten no response from the County Attorney and feel that it is in the best interest of the County to receive an opinion from you.

Whether an elected/appointed official has the right to close their office for part or all of one or more days and expect the County to pay those employees as if they had worked or do the employees have to charge that time to vacation or comp time to the extent they have accrued time on the books if they want to get paid?

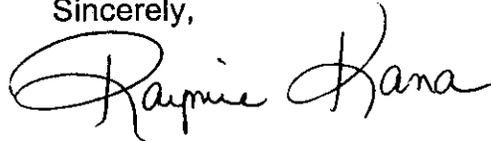
Can the County Treasurer or Auditor withhold their signature from the employee's paycheck or not pay the employee if in preparing payroll, the Treasurer or Auditor has strong suspicion or knowledge that the information contained on the time sheet is not correct?

I refer you to AG Opinion No. MW-438 that reference County Holidays and whose authority it is to set those holidays. I would like to take this opinion a step further, and ask who has the authority to close the courthouse or other county buildings for a bad weather day, repairs, etc. and pay those employees affected as if they had worked. Which brings me to the question if the Treasurer or Auditor has strong suspicion or knowledge that the information contained on the time sheet is not correct when while reviewing an employee's time sheet, where in, it states that the above information is true and correct and both the employee and the elected/appointed official has so signed the time sheet, may the Treasurer or Auditor withhold their signature from the paycheck or not pay the employee until the matter is cleared up.

I know that the elected/appointed official may set his/her own office hours, but can they also give their employees time off without having the employee charge the time against vacation or comp time and record on time sheet that the employee worked.

Therefore, I would appreciate it if you could give me your opinion on the above matters. Thank you for your assistance.

Sincerely,

A handwritten signature in black ink that reads "Raymie Kana". The signature is written in a cursive, flowing style with a large initial "R" and "K".

Raymie Kana
Colorado County Auditor