

STATE AUDITOR'S OFFICE
LEAVE INTERPRETATION 98-02¹

TO: Human Resources Directors

DATE: March 27, 1997

SUBJECT: Whether there are restrictions that apply to the use of the accumulated leave.

Question:

Is an employee allowed to accumulate more than 32 hours of administrative leave? Are there restrictions that apply to the use of the accumulated leave?

Answer:

The administration of administrative leave for outstanding performance is largely left to agencies' discretion.

Texas Government Code, Section 661.911, allows the administrative head of an agency to grant administrative leave, not to exceed 32 hours per fiscal year, as a reward for outstanding performance as documented by employee performance appraisals.

There is nothing to prevent an agency from allowing an employee to accumulate more than 32 hours of administrative leave, if the leave was granted in 2 fiscal years within the same biennium. While authority does not exist to automatically carry this type of leave forward into a new biennium, the administrative head of an agency may reauthorize accumulated administrative leave for a fiscal year in a new biennium.

In addition, there is nothing to prevent an agency from allowing an employee to remain on the payroll to exhaust the employee's administrative leave should the employee separate from state employment.

¹This is an updated version of this State Auditor's Office Leave Interpretation. It was updated in 2011 to primarily reflect statutory changes. The previous version can be found at http://www.hr.sao.state.tx.us/Statutes/LI98-02_old.html