

STATE AUDITOR'S OFFICE
LEAVE INTERPRETATION 99-01¹

TO: Human Resources Directors
DATE: September 30, 1998
SUBJECT: Whether an employee is allowed to substitute jury duty for annual leave when exhausting annual leave on an agency's payroll following resignation.

Question:

If an employee allowed to substitute jury duty for annual leave when exhausting annual leave on an agency's payroll following resignation?

Answer:

An employee who is called to jury duty while using accrued annual leave following resignation may substitute jury duty time for annual leave.

According to Texas Government Code, Section 661.067, an employee allowed to remain on an agency's payroll is entitled to continue to receive all compensation and benefits that the employee was receiving on the employee's last day of duty. The only exception is that the employee may not use sick leave, or accrued sick or vacation time, while exhausting annual leave.

¹ This 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/LI99-01_old.html