



**THE ATTORNEY GENERAL
OF TEXAS**

**WAGGONER CARR
ATTORNEY GENERAL**

AUSTIN 11, TEXAS

October 15, 1963

Hon. Dorman H. Winfrey
Director and Librarian
Texas State Library
Austin 11, Texas

Opinion No. C-161

Re: Various questions relative to
the construction of subsection
J, Section 1 of Article V, H.B.
86, 58th Legislature, as to
part-time employees.

Dear Mr. Winfrey:

You have written for our opinion with regard to the application of subsection J, Section 1 of Article V, H.B. 86, 58th Legislature to the following questions:

"1. If a part-time employee, of the type described above, was, in August 1963, paid a proportional part of a step rate in the salary schedule, and if the employee continues in a part-time capacity, on and after September 1, and is paid out of funds appropriated for 'salaries of classified positions', may his September salary be computed as a proportional part of the same salary step number of the new salary schedule contained in House Bill 86? May such an employee be later eligible for merit salary increases as provided in Sub-section L?

"2. If a full-time classified employee is paid at a step rate above Step 1 of the designated salary group, and if he is changed to a part-time status in the same position, will his part-time salary rate be computed as a proportional part of the full-time rate applicable prior to his change to part-time employment?

"3. If a part-time employee is paid a proportional part of a step rate above Step 1 of the designated salary group, and if he is changed to a full-time status in the same position, is he eligible to receive a full-time salary equivalent to the step rate represented by the same step number he received as a part-time employee?"

Subsection J of Section 1, Article V of H.B. 86 provides as follows:

"J. PART-TIME EMPLOYEES. Regular full-time positions paid out of funds appropriated for 'salaries of classified positions' may also be filled by part-time employees. In computing the salaries of these employees the rates of pay shall be proportional to the rates authorized for full-time classified employment. It is further provided that part-time employees as described in this subsection shall be subject to all of the provisions of this Section." (Emphasis added).

The Appropriation Bill in force in 1962 contained a provision similar to said subsection J. Such provision was construed by this office, in Attorney General's Opinion WW-1158, to mean that the salary of a part-time employee is to be determined in the same manner as the salary of a full-time employee but on a proportional basis. A copy of this opinion is enclosed.

Subsection J here involved also would clearly authorize a part-time employee's salary to be converted in the same manner as would a regular full-time employee. Likewise, a part-time employee filling a position paid out of funds appropriated for salaries of classified positions would be entitled to merit salary increases the same as regular full-time employees.

Therefore, in answer to your first question, a part-time employee's salary should be computed as a proportional part of the same salary step number of the new salary schedule, and such employee is later eligible for merit salary increases as provided for by the current Appropriation Bill in subsection L.

With regard to your second question, when an employee is changed from a full-time classified employee to part-time status in the same position, his salary rate should be computed as a proportional part of the full-time rate applicable prior to his change to part-time employment.

In the exact opposite situation, a part-time employee who is changed to a full-time status in the same position, as set forth in Question 3, is eligible to receive the full-time salary equivalent to the step rate represented by the same step number he received as a part-time employee.

SUMMARY

Part-time employees filling classified positions whose salary is paid out of funds appropriated for "salaries of classified positions" should have their salary computed as a proportional part of the same salary step number of the new salary schedule of H.B. 86; such employees are eligible for merit salary increases; and either a full-time employee changing to part-time status or a part-time employee changing to full-time status in the same position should receive either a proportional part or the full salary, as the case may be, of the rate applicable prior to such change.

Yours very truly,

WAGGONER CARR
Attorney General

By



Paul Phy
Assistant

PP:mkh:wb

APPROVED:
OPINION COMMITTEE

W. V. Geppert, Chairman
John Reeves
Jack Goodman
Linward Shivers

APPROVED FOR THE ATTORNEY GENERAL

BY: Stanton Stone

Enclosure