

The Senate of Texas  
Committee on State Affairs

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Opinion Committee

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April 19, 1993

M. BJ  
FILE # ML-19914-93  
I.D.# 19914

The Honorable Dan Morales  
Texas Attorney General  
Attention: Opinion Committee  
P.O. Box 12548  
Austin, Texas 78711-2548

Dear General Morales:

The City of Bedford is having difficulty interpreting Section 142.0013 of the Local Government Code as it provides for vacation time required for police and fire fighters. The relevant parts of the statute read as follows:

(b) A member of a fire or police department in a municipality with a population of more than 30,000 is entitled to 15 vacation days each year with pay if the member has been regularly employed in the department or departments for at least one year. The municipal officials supervising the fire and police departments shall designate the days of the week during which a member of a fire department is not required to be on duty and the days during which the member is allowed to be on vacation.

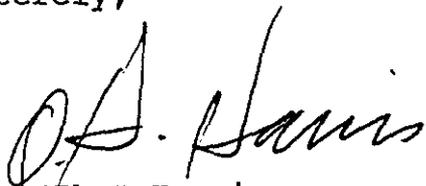
(c) A fire fighter and a police officer shall be granted the same number of vacation days and holidays, or days in lieu of vacation days or holidays, granted to other municipal employees.

The question arises in interpreting Section 142.0013(b) which provides for fifteen days a year, while (c) provides that police and fire fighters shall be granted the same number of vacation days...granted to other municipal employees.

Is a city with a population of over 30,000 required to give police and fire fighters with one year seniority fifteen vacation days a year when other city employees only receive ten days a year until they have served five years with the city?

Thank you for your interest in this matter. If I can be of any assistance, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "O.H. Harris". The signature is written in dark ink and is positioned above the typed name.

O.H. "Ike" Harris