



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

**JOHN L. HILL
ATTORNEY GENERAL**

October 14, 1975

*overruled
BY JM-19*

The Honorable Cue D. Boykin, Chairman
Texas Industrial Accident Board
Lyndon Baines Johnson Building
P. O. Box 12757, Capitol Station
Austin, Texas 78711

Opinion No. H- 715

Re: Whether a member of the
Industrial Accident Board
accumulates sick leave and vacation
benefits.

Dear Mr. Boykin:

You have requested our opinion concerning whether a member of the Industrial Accident Board is a state employee for the purposes of vacation and sick leave entitlement.

Article V, section 7 of the current appropriations act provides vacation and sick leave benefits to "[e]mployees of the State" Acts 1975, 64th Leg., ch. 743. In Attorney General Opinion M-1280 (1972) this office ruled that a member of the Texas Employment Commission is a "State official" rather than an "annual employee" and thus the provisions of the appropriations act which related to sick leave and vacation were inapplicable. See also Attorney General Opinion M-1279 (1972). While the then current appropriations act referred to "annual employees of the State" whereas the present act applies to "[e]mployees of the State" we believe the ruling in M-1280 controls your question, for in our view a member of the Industrial Accident Board is clearly a state official rather than a state employee. See V. T. C. S. art. 8307, et seq.; Aldine Independent School District v. Standley, 280 S. W. 2d 578 (Tex. Sup. 1955); Attorney General Letter Advisory No. 85 (1974). Accordingly, in our opinion, an Industrial Accident Board member does not accumulate sick leave and vacation under the appropriations act.


SUMMARY

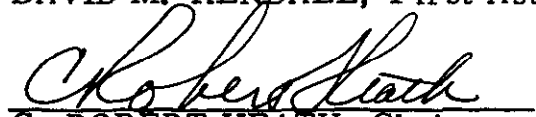
Members of the Industrial Accident Board do not accumulate vacation and sick leave under the appropriations act.

Very truly yours,

A handwritten signature in cursive script that reads "John L. Hill".
JOHN L. HILL
Attorney General of Texas

APPROVED:


DAVID M. KENDALL, First Assistant


C. ROBERT HEATH, Chairman
Opinion Committee

jad: