

James Caleb Henson,  
County Attorney

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AUG 17 2017

**OPINION COMMITTEE**

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August 17, 2017

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FILE # ML-48189-17  
ID # 48189

VIA Electronic Mail: [Opinion\\_committee@texasattorneygeneral.gov](mailto:Opinion_committee@texasattorneygeneral.gov)

Office of the Attorney General of Texas

Attn: Opinion Committee

209 W. 14<sup>th</sup> St., 6<sup>th</sup> Floor

Austin, TX 78701

RQ-0173-KP

**RE: REQUEST FOR ATTORNEY GENERAL OPINION**

Dear Attorney General Paxton:

**FACTUAL BACKGROUND**

Leon County currently grants longevity pay to employees and elected officials who are full-time employees not being paid by grants. Leon County Personnel Policy Manual 4.03(A)2 excludes employees from receiving longevity pay if they receive a salary supplemented by the State of Texas. This has the effect of excluding two county office holders from receiving longevity pay, the County Judge and County Attorney.

**QUESTION PRESENTED**

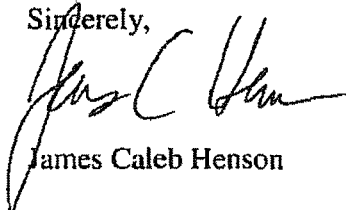
Can the Commissioner's Court exclude the County Judge from receiving longevity pay due to his receiving the State Judicial supplement, or does Texas Government Code §26.006(c) prohibit the exclusion of the County Judge from receiving longevity due to receiving the supplement?

**DISCUSSION**

As discussed in KP-0135, the county commissioner's court sets compensation, including longevity pay, under the authority granted to the court by Texas Local Government Code §152.011. Save for the prohibition by the Leon County Commissioner's court from employees with State supplemented salaries receiving longevity pay, the County Judge would be entitled to longevity pay. The County Judge receives the judicial supplement under Texas Government Code §26.006. Government Code §26.006 goes on to say that the commissioners court may not reduce the salary of a county judge as a result of the salary supplement.

I am seeking guidance as to whether Texas Government Code §26.006(c) applies in this situation. Thank you for your time and consideration with regard to this matter. Please contact me if any additional information is required.

Sincerely,



James Caleb Henson