

OFFICE OF THE ATTORNEY GENERAL

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SEP 5 1985

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Honorable F. R. Albritton, Jr.
Probate Judge
Wilcox County
P. O. Box 488
Camden, Alabama 36726

Counties - Tax Assessors -
Employees - Employers -
Employment - Leave

Employee of the Tax Assessor's
Office who was paid from the
General Fund is entitled to
leave calculation dating from
initial employment.

Dear Judge Albritton:

The Attorney General is in receipt of your recent request for an opinion which you pose questions concerning the employment date of an employee in the Tax Assessor's Office who was paid with clerk hire funds received from the General Fund. The reason for this question is to make a determination as to the amount of terminal leave payments to be made when this employee left the employment of the Tax Assessor's Office.

Relying upon the information you have sent us it appears that this employee should have her employment with Wilcox County date from July 5, 1973. This date was the date the employee began working for the Tax Assessor's Office and was paid from clerk hire funds received from the General Fund. It is clear that Act 192, Acts of Alabama 1959 allows the governing body of Wilcox County to pay employees of the Tax Assessor, Tax Collector and the Circuit Clerk. It is the opinion of the Attorney General that the payment of funds from the General Fund made the persons receiving that money employees of Wilcox County.

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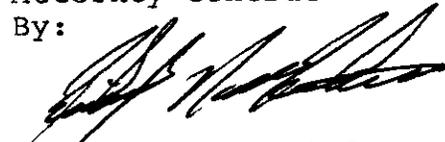
The next issue in your request for an opinion is the proper amount of terminal leave which should be paid to this employee. An examination of the personnel policies you have provided to this office shows that annual leave is a benefit made available to employees with permanent status or employees who are in permanent positions. The personnel policy of Wilcox County defines an employee as one who is working full-time...and further defines a permanent status employee to be a person who has been employed for six months on a continuous basis and who has satisfactory work performance. Based on the definition in your rules it is the opinion of the Attorney General that this employee is a permanent status employee. Your personnel policies further provide that a permanent status employee may accumulate vacation leave up to a maximum of 30 days and this accumulation is to be paid to an employee at the time of the employee's termination. Sick leave may be accumulated up to a maximum of 120 days and this sick leave is to be paid to employees leaving the employment of the county. Therefore, it is the opinion of the Attorney General that the employee in question is entitled to accumulate vacation leave and sick leave at the rate provided for in the personnel policies of Wilcox County and is entitled to be paid the appropriate amount upon the termination of her employment with the county.

We greatly appreciate the assistance you have provided us in sending information we have requested. We hope that we have fully and completely answered your question and if we may provide you with any further information please feel free to contact us at any time.

Sincerely yours,

CHARLES A. GRADDICK
Attorney General

By:



RICHARD N. MEADOWS
Assistant Attorney General

CAG:RNM:mth