S T A T E O F T E N N E S S E E
OFFICE OF THE
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Opinion No. 03-077

Use of Compensatory Time to Attend Meeting

QUESTION

Must a state employee who is also an elected official (Commissioner and Alderman) take compensatory time from his state employment in order to attend the meetings of the boards to which he was elected?

OPINION

Yes. A state employee must use accrued annual leave or compensatory time when the employee attends a meeting that convenes during the employee's regular working hours.

ANALYSIS

Statutory law as well as Department of Personnel rules and policies address the circumstances under which eligible state employees may take leave with pay.[1] *See generally* Tenn. Code Ann. §§ 8-50-801 to -811 (accrual of annual leave and other types of leave); Tenn. Comp. R. & Reg. ch. 1120-6; and *Tennessee Department of Personnel Attendance and Leave Policies and Procedures*. In most cases, an employee must use either accrued annual leave or compensatory time he has accumulated from overtime work. *See* Tenn. Code Ann. § 8-30-214(c)(establishing compensatory time).

The legislature has created specific exceptions in which an employee may take leave with pay without resorting to the use of the employee's accrued annual leave and compensatory time. For example, employees may take paid leave to compete in certain athletic competitions and to volunteer for the American Red Cross. *See* Tenn. Code Ann. §§ 8-50-810 (athletic competition leave) and 8-50-1101 to -1106 (American Red Cross disaster leave). *See also* Tenn. Comp. R. & Reg. ch. 1120-6. The Department of Personnel's Attendance and Leave Policies detail other circumstances under which an employee may take leave with pay or receive an excused absence. These instances include, for example, military service, jury duty, interviews for other State jobs, time allowance for voting, attendance at State sponsored health promotion-related programs and continued education.

[1]This opinion assumes that the employee at issue is employed in the executive branch and, therefore, subject to the Department of Personnel's rules and policies.

Our research has found no exception, however, providing that an employee may take paid leave to attend meetings of boards to which the employee is an elected member. Accordingly, it is the opinion of this Office that a state employee must use accrued annual leave or compensatory time when the employee attends a meeting that convenes during the employee's regular working hours.

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