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# COUNTY OF DIMMIT



Carrizo Springs, Texas

OFFICE OF COUNTY AUDITOR  
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December 20, 2020

Honorable Ken Paxton  
Attorney General Division  
Austin, Texas  
(by email to [opinion.committee@oag.texas.gov](mailto:opinion.committee@oag.texas.gov))

**RQ-0393-KP**  
**FILE# ML-48917-20**  
**I.D.# 48917**

Re: Request for Opinion

Attorney General Paxton:

Dimmit County Sheriff department has hired an elected constable to work in the Sheriff department for the past two years. The constable works the 80 hours for the sheriffs' department per pay period. In addition, he has on occasion worked the Governors Justice Assistance Grant which is for overtime only. The Constable receives his pay for his constable pay every pay period. He has requested for sick leave and holiday pay under his sheriff pay.


If he is receiving pay for constable and being paid for holidays and pay regardless if he works under the constable position would he be entitled to be paid for holiday, sick leave and vacation under the sheriff pay and any additional pay, including longevity pay which is not given to the elected officials and is not advertised under the elected officials' salaries.

Under the attorney generals' opinion GA-0470 the constable was able to work under the sheriffs' department but did not specify any other pay or if he was entitled to receive sick leave days, vacation pay or bereavement pay under fringe benefits?

Further clarification is needed as to whether a constable working as a deputy can be paid for work under the Justice Assistance Grants?

Therefore, we do feel that an opinion from the Office of the Attorney General would be instrumental in resolving these issues.

Sincerely,

  
Carlos A. Pereda

XC: Commissioners Court  
County Sheriff