

To: "lottoreport@lottoreport.com" <lottoreport@lottoreport.com>
Subject: Public Information Request

Ms. Nettles:

This email is in response to your Public Information Request received June 6, 2016.

You requested:

"1. I would like to receive the name of all prior and present employees who were paid using Emergency Leave or Administrative leave funds in the past 6 years to date. Please include the amount and date each was paid.

2. Additionally, I would like to receive the policies and procedures for using Emergency or Administrative leave to pay past or current employees. Please include any revised procedures during the past 6 years."

With respect to your request, we have determined that the cost to produce such information will be in excess of \$40.00. Pursuant to Texas Government Code, Chapter § 552.2615 we have attached an estimate of the cost to provide the documents.

The attached cost estimate is only to provide printed information regarding the names of employees who were granted Emergency Leave or Administrative Leave since 2012 and will reflect the date and amount of leave time. Information prior to 2012 is no longer available, nor can this information be provided electronically. The information that can be provided will not include the "amount and date each was paid." Information reflecting the amount of pay that was earned for the leave granted is not available. To obtain such information would require the creation of a document with a manual calculation. The Texas Public Information Act does not provide for the creation of documents or manual calculations to respond to public information requests.

Katelind Powers
Open Records Coordinator
Texas Lottery Commission
PO Box 16630
Austin, TX 78701-6630
512-344-5420
openrecords@lottery.state.tx.us

*Red from TLC on
June 15, 2016*


 L-21482.doc

Exhibit "D"

Cost Estimate

L-21482

Dear Ms. Nettles:

We are in receipt of your request. We have determined that the cost to produce the information will be more than \$40. Therefore, the following statement is provided pursuant to Texas Government Code, Chapter 552, § 552.2615.

1. Itemized statement of estimated charges:

Copies, Approx. 1233 pages @ \$.10/page	\$ 123.30
Personnel hours 5.5 @ \$15.00/hr.	\$ 82.50
Overhead \$82.50 X 20%	\$ 16.50
Postage	<u>unknown</u>
ESTIMATED TOTAL	\$ 222.30
2. You must respond to this letter in writing and within 10 (ten) business days from the date it was sent. If you do not respond, your request will be considered automatically withdrawn *unless* you choose one of the following:
 - a. Accept the charges and agree to pay; or
 - b. Modify your request.
 - c. File a complaint with the Office of the Attorney General alleging that you have been overcharged for being provided with a copy of the public information.
3. You may choose to respond by e-mail, fax, regular mail, or by dropping your written response in person at our offices.
4. In accordance with § 552.263, we request a deposit of \$ 222.30. Your check or money order must be made payable to: Texas Lottery Commission. Please mail your check to Texas Lottery Commission, Open Records, P O Box 16630, Austin, Texas, 78761-6630.
5. If you pay a deposit and the actual final amount is less than the amount paid, you will be issued a refund by separate cover. If the actual amount is more than what you paid but within 20% of that amount, payment must be made in full before you can receive the information. An updated statement will be sent to you if the final amount will exceed 20% of the first agreed estimated amount.
6. We estimate that the information will be made available to you within three weeks of receipt of your payment.

If you accept the estimated charges and agree to pay them, please sign and date the statement below and send it by fax to: Katelind Powers, 512.344.5189

I accept the estimated charges and agree to pay them.

Print Name

Signature

Date

u D 11

OpenRecords, Cost Estimate For My Administrative Leave Request

To: OpenRecords <OpenRecords@lottery.state.tx.us>
From: Dawn Nettles <lottoreport@tx.rr.com>
Subject: Cost Estimate For My Administrative Leave Request
Cc:
Bcc:
Attached:

6-19-16

Katelind,

I have several questions with regards to your June 15th cost estimate to produce documents responsive to my June 6, 2016 request.

First, I would like to know why it is requiring 1233 printed pages?

It seems inconceivable that this many people were paid on emergency or administrative leave in a short 6 year time frame. It also seems inconceivable that these 1233 pages wouldn't include the dates and amounts paid.

I can't help but wonder if the large page count contains far more data than what I'm actually requesting. As you know, this is the bulk of the costs. Are you sure these pages are actually responsive to my request?

Wouldn't it be far more cost efficient to charge me the \$28 per hour computer programming fee as set forth in the state TPIA cost rules? As I understand it, running a computer program to pull information does not constitute creating a new document - it's simply pulling existing information in a concise form.

Wouldn't this be a simple and expedient solution.

IF in fact 1233 pages is necessary, can it not be copied to a disk?

Finally, your message did not address part two of my request which was for policies and procedures. Am I to assume you have already mailed that information to me since it's not in question?

Please reply so I can move forward to obtain this information.

Thanks.

Dawn

At 06:57 PM 6/15/2016 +0000, you wrote:

"D"

In

Page 1 of 3

To: "lottoreport@lottoreport.com" <lottoreport@lottoreport.com>
Subject: RE: Cost Estimate For My Administrative Leave Request

P.C.D. June 23, 2016

Ms. Nettles:

The information you requested on emergency or administrative leave is retrieved from the HR Personnel Payroll System database, which works in conjunction with the Comptroller of Public Accounts Office, but doesn't actually calculate payroll amounts. This is only a timekeeping database. We have been able to transfer the data to the attached excel spreadsheet.

I can confirm this spreadsheet will only contain the information you requested in regards to emergency leave time granted to each employee, including the dates. Emergency leave is a form of leave used for leave accounting purposes and encompasses many different occurrences. For example: agency skeleton crew days, inclement weather days, other emergency closings, or funeral leave. Thus, all agency employees have been granted emergency leave time and this makes the requested information voluminous.

Additionally, the purpose of the Personnel Payroll System database is to track all employee leave time. Employees are paid their regular salary for any leave time used, unless the employee is on leave without pay. Therefore, there is no information responsive to your request for the amount paid for the emergency or administrative leave granted. To determine the value of emergency or administrative leave granted to any specific employee, you must first determine the employee's daily rate of pay for the day the leave was granted. The TLC does not maintain such information in this manner. Payroll and timekeeping are parts of separate divisions in the agency. Payroll staff only receives information regarding an employee's leave status if the employee is on leave without pay, and deducts the appropriate amount from the employee's salary. Otherwise, there is no correlation between the two systems.

Also attached are copies of the procedures you requested.

Katelind Powers

Open Records Coordinator
Texas Lottery Commission
PO Box 16630
Austin, TX 78701-6630
512-344-5420
openrecords@lottery.state.tx.us

From: Dawn Nettles [mailto:lottoreport@tx.rr.com]
Sent: Monday, June 20, 2016 12:15 AM
To: OpenRecords
Subject: Cost Estimate For My Administrative Leave Request

6-19-16

Katelind,

I have several questions with regards to your June 15th cost estimate to produce documents responsive to my June 6, 2016 request.

First, I would like to know why it is requiring 1233 printed pages?

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" T "

Printed for Dawn Nettles <lottoreport@tx.rr.com>

10/15/2016

In

to public information requests.

Katelind Powers
Open Records Coordinator
Texas Lottery Commission
PO Box 16630
Austin, TX 78701-6630
512-344-5420

openrecords@lottery.state.tx.us

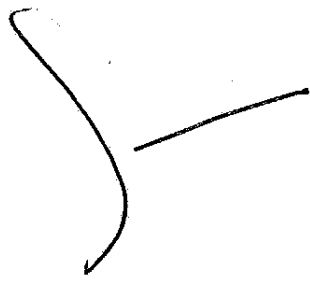
Dawn Nettles
<http://texaslottoreport.com>
<http://www.lottoreport.com>
<http://www.lottoreport.com/results.htm>



[L-21482 Leave Taken.xls](#)



[L-21482 Policies.pdf](#)



"D"