

1979 WL 42775 (S.C.A.G.)
Office of the Attorney General
State of South Carolina
January 23, 1979

***1 RE: William Paul Stooksbury**

Purvis W. Collins
Director
S.C. Retirement System
P.O. Box 11960
Columbia, S.C. 29211

Dear Mr. Collins:

A question has arisen concerning the above-named person's eligibility for group life insurance. It appears that Mr. Stooksbury last worked for the Public Service Authority, his employer, on July 20, 1978. He became ill and used accumulated sick and annual leave to continue at full salary through September 14, 1978. At that time his employer, following the standard procedure within that agency, continued to pay him 60% of his regular salary for about 4 weeks, that is, until October 23, 1978. Mr. Stooksbury died on November 18, 1978.

Section 9-1-1770 provides that a person who has not retired may be paid 'a death benefit equal to the annual earnable compensation of the member at the time his death occurs.' Section 9-1-10(16) defines earnable compensation as 'the full rate of the compensation that would be payable to a teacher or employee if he worked for his full normal working time;' It is apparent that the 60% salary involved here did not constitute compensation for service rendered, because no service was rendered during that time. In addition, it does not constitute what would be paid the employee if he worked for his full normal working time, as contemplated by the statute. Accordingly, it is the opinion of this Office that his annual earnable compensation for purposes of § 9-1-1770 should be considered his full salary rather than the 60% amount.

Sincerely yours,

Kenneth P. Woodington
Assistant Attorney General

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