

1972 WL 25359 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 20, 1972

***1 Re: #195—Military #256—Schools—General**

General James W. Henderson
Brigadier General, SCARNG
Office of the Adjutant General
National Guard Armory
7225 Bluff Road
Columbia, SC 29201

Dear General Henderson:

In answer to your letter concerning military leave for school teachers attending annual training with the South Carolina National Guard, the past opinions from this office interpret Section 44-861 of the Code of Laws of South Carolina to require 'full, normal compensation from the State and its political subdivisions without regard to the amount which they may receive from military resources'. There is little doubt that school districts come under the classification of political subdivisions of this State. (See Section 21-111, Code of Laws of South Carolina and the cases listed in 16 S. C. Digest, Schools, Key 21.) The letter from Attorney General McLeod to the City of Greenville dated April 14, 1972, would be applicable in my opinion to school teachers in the public schools.

As for action you might take to insure that teachers do not lose pay while attending annual training, Dr. Busbee, State Superintendent of Education, might be able to send a memorandum to all the school districts alerting them to the provisions and interpretation of Section 44-861.

Please contact me if I can be of any further assistance.

Sincerely yours,

Hardwick Stuart, Jr.
Assistant Attorney General

1972 WL 25359 (S.C.A.G.)

End of Document

© 2022 Thomson Reuters. No claim to original U.S. Government Works.