

1972 S.C. Op. Atty. Gen. 158 (S.C.A.G.), 1972 S.C. Op. Atty. Gen. No. 3329, 1972 WL 21437

Office of the Attorney General

State of South Carolina

Opinion No. 3329

June 12, 1972

**\*1** 1. Office hours for State Employees are now from 8:30 A.M. until 5:00 P.M., Mondays through Fridays. Exceptions are provided where a seven-day work week exists.

2. For permanent part-time employees, only those who work no less than one half the agency's official work week shall be permitted to earn annual leave on a prorata basis.

Director  
Personnel Division  
State of South Carolina

Thank you for your letter of June 12, 1972, concerning the State's official work day week.

As noted by you, R-1531, approved by the Governor on June 2, 1972, provides in part:

“Leave, as authorized by this act, shall be based upon a five-day work week with office hours from 8:30 a.m. until 5:00 p.m., Monday through Friday, except where services are maintained seven days a week—.”

You inquire as to whether this has any effect upon Section 1-40 of the Code of Laws of South Carolina, 1962, which provides in part:

“The departments of the State government, except where seven day per week services are maintained, shall remain open from nine A.M. until five P.M. from Monday through Friday, both inclusive—. On Saturdays such departments may close at one P.M. Skeleton forces may be maintained on Saturday and so staggered that each employee shall work not less than one Saturday out of each month;—.”

As noted in your letter, R-1531 did not specifically repeal the provisions of Section 1-40. It did, however, provide for a method of calculating annual leave based upon a five day work week from 8:30 a.m. until 5:00 p.m., Monday through Friday. In this respect, it appears inconsistent and not within the intent of the Legislature to assume that they did not mean to establish daily hours of work from those fixed for the computation of annual and terminal leave. In this respect, the later statute will have the effect of modifying previous inconsistent provisions of law.

While the matter is not free from doubt, because of the failure of the General Assembly to specifically treat Section 1-40, it is my opinion that office hours for State employees are now from 8:30 a.m. until 5:00 p.m., Mondays through Fridays. Exceptions are provided where a seven-day work week exists.

The remaining portion of your letter recites that, pursuant to Section 6 of Act R-1531, “rules and regulations will be issued that provide annual leave earning schedules for employees working in excess of five days per week, i.e., five and one half days per week. For permanent part-time employees we propose to prescribe that only those permanent part-time employees who work no less than one half the agency's official work week shall be permitted to earn annual leave on a prorata basis and we propose to establish the formula for computing the prorata leave earnings.”

In my opinion, this regulation is reasonable and appropriate and within the scope of the authority granted by Section 6 of R-1531.

\*2 Daniel R. McLeod  
Attorney General

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