

1972 WL 25278 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 14, 1972

\*1 Mr. F. A. McWilliams  
Director  
Department of Employee Relations  
City of Greenville  
Post Office Box 2207  
Greenville, South Carolina 29602

Dear Mr. McWilliams:

Thank you for your letter of April 12 requesting the opinion of this Office as to the validity of a provision of your Employees' Handbook which specifies that employees on military leave shall be paid the difference between their military pay and their normal compensation paid by the City.

Section 44-861 of the Code of Laws, referred to in the Handbook, provides that employees of the State or any political subdivision thereof who are members of military components shall be entitled to leave of absence without loss of pay for designated periods while engaged in military duties. This provision, in my opinion, means that they shall receive their full, normal compensation from the State and political subdivisions without regard to the amount which they may receive from military sources. This is the policy pursued on the State level, and which I consider correct.

In view of the fact that a State statute is involved, I am expressing this opinion, but I should like for you to consult your City Attorney on this problem before making a definitive conclusion and that you be guided by his instructions.

Very truly yours,

Daniel R. McLeod  
Attorney General

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