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**T. TRAVIS MEDLOCK**  
ATTORNEY GENERAL

REMBERT C. DENNIS BUILDING  
POST OFFICE BOX 11549  
COLUMBIA, S.C. 29211  
TELEPHONE: 803-734-3680  
FACSIMILE: 803-253-6283

September 5, 1990

The Honorable Douglas L. Hinds  
Senator, District No. 34  
Post Office Drawer 1410  
Georgetown, South Carolina 29442

Dear Senator Hinds:

Your letter dated August 1, 1990, to Attorney General Medlock was referred to me for response. By that letter you inquired whether or not a teacher employed by the Horry County School System would qualify as an individual who can take sick leave at the time a child is adopted pursuant to S.C. Code Ann. §8-11-155 (1976).

Of course, the cardinal rule of statutory construction is that a court is to ascertain and effectuate the actual intent of the legislature. Burns v. State Farm Mut. Auto. Ins. Co., 297 S.C. 520, 372 S.E.2d 569 (1989). In interpreting a statute, the language of the statute must be read in a sense which harmonizes with its subject matter and accords with its general purpose. Multi-Cinema, Ltd. v. South Carolina Tax Comm'n, 292 S.C. 411, 357 S.E.2d 6 (1987). In construing a statute, its words must be given their plain and ordinary meaning without resort to a subtle or forced construction to limit or expand the statute's operation. Bryant v. City of Charleston, 295 S.C. 408, 368 S.E.2d 899 (1988). If a statute's language is plain and unambiguous and conveys clear and definite meaning, there is no occasion for employing rules of statutory interpretation and a court has no right either to look for or impose another meaning. Chestnut v. South Carolina Farm Bureau Mut. Ins. Co., 298 S.C. 151, 378 S.E.2d 613 (Ct. App. 1989).

By 1990 S.C. Acts 437, the South Carolina General Assembly enacted §8-11-155. Effective upon the Governor's approval on April 25, 1990, that Act states:

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(A) An adoptive parent who is employed by this State, its departments, agencies, or institutions may use up to six weeks of his accrued sick leave to take time off for purposes of caring for the child after placement. The employer shall not penalize an employee for requesting or obtaining time off according to this section.

(B) The leave authorized by this section may be requested by the employee only if the employee is the person who is primarily responsible for furnishing the care and nurture of the child.

1990 S.C. Acts 437 (codified at S.C. Code Ann. §8-11-155 (1976)). Section 8-11-155(A) clearly relates to "[a]n adoptive parent who is employed by this State, its departments, agencies, or institutions. . . . [Emphasis added.]" Your letter refers to a teacher who is employed by the Horry County School system. Because that individual is not employed by the State, its departments, agencies, or institutions, §8-11-155 would not be applicable. Compare S.C. Code Ann. §§8-11-10 through 8-11-680 (1976 & 1989 Cum. Supp.) (governing "State Officers and Employees") with S.C. Code Ann. §§8-15-10 through 8-15-60 (1976 & 1989 Cum. Supp.) (governing "Local or Local and State Officers and Employees Generally" and specifically addressing political subdivisions and their departments or agencies).

Of course, the General Assembly would be free to expand Section 8-11-155 to include others if it so desired. If I can answer any further questions concerning this matter, please advise me.

Sincerely,

*Samuel L. Wilkins*

Samuel L. Wilkins  
Assistant Attorney General

SLW/fg

REVIEWED AND APPROVED BY:

*Edwin E. Evans*

Edwin E. Evans  
Chief Deputy Attorney General

*Robert D. Cook*

Robert D. Cook  
Executive Assistant for Opinions