

1983 WL 181868 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 29, 1983

*1 Jack S. Mullins, Ph.D.
Director
State Personnel Division
1205 Pendleton Street
Columbia, South Carolina 29211

Dear Dr. Mullins:

You have requested the opinion of this office concerning when December 26, 1983—a legal holiday by virtue of [§ 53-5-10, Code of Laws of South Carolina](#), 1976 (Cum.Supp. 1982)—should be observed as a holiday. The problem arises because, as you note, [§ 53-5-10](#) also provides that December 25th is a legal holiday and [§ 53-5-30](#), *id.* prescribes, in pertinent part: ‘Whenever any of the legal holidays mentioned in [§ 53-5-10](#) shall fall upon Sunday the Monday next following shall be deemed a public holiday. . . .’ This year, December 25th falls on a Sunday; consequently, under [§ 53-5-30](#), this holiday is to be observed on Monday, December 26, 1983. December 26th, however, is already a legal holiday. Thus the question is whether December 25th and 26th should be observed as legal holidays simultaneously on December 26th or whether, since December 26th is deemed to be the Christmas Day holiday, the holiday provided for December 26th should be observed on Tuesday, December 27, 1983.

Fortunately, this issue has previously been addressed by this office. In an opinion dated November 26, 1955, then Attorney General Callison wrote:

It is my opinion that it was the purpose of the legislature to provide for two consecutive legal holidays for Christmas and when the first of such days falls on Sunday, that the two next succeeding days, Monday and Tuesday, should be taken as holidays.

As the calendar now stands, it is my opinion that Monday and Tuesday, December 26 and December 27 should be observed as legal holidays.

1955-56 *Ops. Atty. Gen.* 206. *Accord, id.* at 207.

As the current statutory provisions (*i.e.* [§ 53-5-10](#) and [§ 53-5-30](#)) are identical, in relevant part, to those construed by Attorney General Callison, that opinion is dispositive of the question you present.

Accordingly, it is the opinion of this office that Monday and Tuesday, December 26 and December 27, 1983, should be observed as legal holidays.

Sincerely,

Vance J. Bettis
Assistant Attorney General

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