

1981 WL 157937 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 27, 1981

*1 Honorable Ed Garrison
Senator
The State House
Columbia, South Carolina 29202

Dear Senator Garrison:

You have inquired of this Office as to the payment of wages to employees of the General Assembly employed in permanent part-time (PPT) positions. The pertinent provision in the Appropriations Bill, Section 3, Proviso No. 1, states:

The positions designated (PPT) shall denote permanent part-time employees retained for full-time work on a six months basis or the duration of the legislative session.

The plain meaning of this proviso is that permanent part-time employees shall be paid for the duration of the legislative session. There is no limitation or reference to the effect of legislative recesses, nor is there a limitation on the right of such employees to accrue annual leave in the same manner as other employees for the period of time in which they work. Therefore, it is the opinion of this Office that employees in permanent part-time positions should be paid for all days actually worked during the legislative session, without regard to recesses taken by either House during the course of the session.

A question has also been raised as to the application of accrued annual leave for legislative employees. While Section 3 contains no proviso strictly addressed to annual leave the fringe benefits provided to classified State employees (such as base pay increases, merit increases, travel expenses, etc.) are funded in the legislative budget. We are further informed that it is the policy of the General Assembly that its employees accrue annual and sick leave in the same manner as classified State employees. This being the case, accrued annual leave has been uniformly held by the courts to be an earned benefit which the employee is entitled to have paid, up to the maximum allowed accrual. His work schedule may prevent his taking leave as it accrues; therefore, it is the opinion of this Office that employees in permanent part-time positions would be entitled to receive payment at the end of the legislative session for annual leave accrued and not taken. The amount of annual leave accrued would, of course, depend upon the number of days actually worked by the employee, in view of the practice that the committee chairman or other supervisor to whom the permanent part-time employee is assigned, determines the days that the employee shall work during the session.

Sincerely,

Frank K. Sloan
Deputy Attorney General

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