

1979 WL 42727 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 9, 1979

***1 RE: Salary Increases**

Dr. Jack S. Mullins
Director
Budget and Control Board
Personnel Division
1205 Pendleton Street
Columbia, South Carolina 29201

Dear Dr. Mullins:

You have asked this Office for its opinion as to whether longevity increases should be added to an individual's base pay when calculating the 4% increase awarded to all state employees effective January 1, 1979. At least two valid methods of calculating increases can be made by reading together Section 13 provisions A, B, C, D and H and Section 18 of Act No. 644, 1978 Acts and Joint Resolutions of the General Assembly of the State of South Carolina.

Following is a description of the two methods.

Method A:

Salary July 1978 = X

5% longevity increase = $.05 \times X = .05X$

Compensation immediately prior to January 1, 1979 = $X + .05X = 1.05X$

4% Pay increase effective January 1, 1979

Amount of increase $.04 \times X = .04X$

Raised salary = $X + .04X = 1.04X$

Compensation in January 1979 = $1.04X + .05X = 1.09X$

Method B:

Salary July 1978 = X

5% longevity increase = $.05 \times X = .05X$

Compensation immediately prior to January 1, 1979 = $X + .05X = 1.05X$

4% Total compensation increase effective January 1, 1979

Amount of increase = $.04 \times 1.05X = .042X$

Compensation in January 1979 = $1.05X + .042X = 1.092X$

Both methods A and B are fair interpretations of the law. Your interpretation, Method A, reads Section 13, provision H, as permitting the longevity increase to be disregarded temporarily when calculating the 4% raise award to state employees. The other interpretation applies the 4% raise to the employees' 'compensation,' as directed in Section 13, provision D. A decision to elect method A or B is an administrative one. Both methods represent fair interpretations under the law.

Sincerely,

Barbara J. Hamilton
State Attorney

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