

1980 WL 121212 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 12, 1980

***1 Re: Annual and Sick Leave Benefits**

Mr. Thomas S. Linton
Code Commissioner and Director
Legislative Council of the General Assembly
Post Office Box 11417
Columbia, South Carolina 29211

Dear Mr. Linton:

You have recently asked this Office for its opinion concerning the status of an employee's annual and sick leave benefits. The subject employee was a permanent state employee with accrued annual and sick leave benefits until February, 1980 when he left the employ of one state agency to accept a temporary position with another state agency. Effective July 1, 1980, the employee will begin to fill a permanent position.

Pursuant to [Sections 8-11-40 and 8-11-680, 1976, Code of Laws of South Carolina](#), the Budget and Control Board has adopted rules and regulations concerning annual and sick leave benefits for state employees. It is the opinion of this office that an employee cannot transfer unused annual and sick leave benefits from one permanent position to another when there is an intervening period of temporary employment with a state agency. Sections 3.08H(8) and 3.09K of the Budget and Control Board's State Personnel Rules Manual (hereinafter 'the Manual'). An employee should be paid a lump sum for annual leave benefits which remain unused on the last date of employment in a permanent position. [Section 8-11-620 of the Code](#) and Section 3.08K of the Manual. Any entitlement to sick leave that remain unused when an employee ceases to be employed in a permanent position is forfeited. Section 3.09K of the Manual. An employee who is employed in a temporary position cannot accrue or be granted annual or sick leave benefits. Sections 3.08A and 3.09A of the Manual. Once the employee commences employment in the new permanent position, he will begin to accrue annual and sick leave benefits again.

Sincerely,

Barbara J. Hamilton
State Attorney

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