

1978 WL 35236 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 22, 1978

***1 RE: Compensatory Time for Teaching Staff**

Jack R. Gallagher, Ed. D.
Executive Director
South Carolina School for the Deaf and Blind
Spartanburg, South Carolina 29302

Dear Dr. Gallagher:

You have contacted this Office for its opinion as to the propriety of your permitting teachers and teachers aids to use compensatory leave time on only Friday afternoons within four months after the leave time is earned. Your teaching staff regulations also limit compensatory time to two hours. It is the opinion of this Office that your present practice does not square with the law.

You will find enclosed a copy of Act 614, 1978 Act and Joint Resolutions of the General Assembly of the State of South Carolina. This act provides for the legal holidays recognized in this state. [Section 8-11-50 of the 1976 Code of Laws of South Carolina](#), as amended, provides in part:

An employee of an academic institution who is required to work on a legal holiday shall be given compensatory time for the number of hours worked at the convenience of the agency in which employed within one year from the date of the holiday. (Emphasis added).

Accordingly, if a member of the teaching staff is required to work on a legal holiday, he or she is entitled to compensatory time for the time worked, and should not be limited to the two hour limit currently a part of your policy. Also the law provides that compensatory leave shall be taken within one year of the date its earned. Your policy requires that it be taken within four months of the date its earned.

In conclusion, the law concerning compensatory leave time must be given effect.

Sincerely,

Barbara J. Hamilton
State Attorney

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