

1974 WL 27916 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 13, 1974

*1 Dr. J. Truett Willis
Director
South Carolina Opportunity School
W. Campus Road
West Columbia, South Carolina 29169

Dear Dr. Willis:

In your letter of July 16, 1974, you ask two questions: 1) Can the School refuse to grant an employee holiday and/or annual leave for an employee requesting it for a day that school is in session; 2) As a residential school, what responsibility, if any, does the school have for providing medical services for its students.

The provisions regulating annual leave for state employees is found in Article 8 of Title 1, CODE OF LAWS OF SOUTH CAROLINA (1962) (Supp.).

The provisions of this act shall apply to all state agencies, departments and institutions and shall be administered by each such agency, department and institution pursuant to regulations adopted by the State Budget and Control Board. The act, however, shall not apply to teaching personnel and officials of academic rank at state-supported institutions of higher learning. The personnel records of all agencies, departments and institutions coming under the provisions of this act shall be subject to audit by the State Personnel Division. (Emphasis supplied). § 1, Act bearing ratification number 1093 (1974).

Pursuant to § 1-91.1, then, the State Budget and Control Board is the only state agency authorized to adopt rules and regulations governing a state employee's taking of annual leave, except that under § 1-91.2, the department head has discretion as to the maximum number of consecutive days allowed an employee. As I read Article 8, it contains no provision stipulating when annual leave may or may not be taken. Therefore, if the State Budget and Control Board sees fit to adopt a rules or regulation prohibiting Opportunity School employees from taking annual leave while the School is in session; you may refuse to grant the employee's leave request. Absent such a regulation, your refusal has no force.

As to the question concerning the School's responsibility for providing medical services to its students, there is nothing in § 22-521, et seq., CODE OF LAWS OF SOUTH CAROLINA (1962), which establishes the School and provides for its operation and government, which requires the School to provide medical services for its students. Furthermore, there is nothing in the CODE which requires such services. Also, I spoke with an official from the Department of Health and Environmental Control who informed me that they have no rules or regulations which require a State supported institution to provide medical services for its resident students.

However, you and the School Board of Trustees might want to consider establishing some sort of medical service for resident students for their own protection and for the School's protection.

Yours very truly,

M. Elizabeth Crum
Assistant Attorney General

1974 WL 27916 (S.C.A.G.)

End of Document

© 2019 Thomson Reuters. No claim to original U.S. Government Works.