

1973 WL 27757 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 27, 1973

***1 Re: No. 262—Schools-Districts**

Mr. Edward A. O'Sheasy
Assistant Superintendent
Personnel, Charleston County School District
Center Building
P. O. Box 2218
Charleston, South Carolina 29403

Dear Mr. O'Sheasy:

Please pardon our delay in replying to your inquiry of February 3, 1973. However, as you are aware, your letter was initially forwarded to South Carolina Personnel Division for reply and it has just found its way back to this office. In your letter of February 3, 1973, you inquire as to whether Section 44-861 of the Code of Laws of South Carolina applies to employees of school districts in South Carolina.

Section 44-861 provides in relevant parts as follows:

All officers and employees of this state or any political subdivision thereof, . . . shall be entitled to leave of absence from their respective duties without loss of pay, time or efficiency rating, for a period not exceeding fifteen days in any one year during which they may be engaged in training or other such duties ordered by the Governor, the War Department, the Treasury Department, the Navy Department or the Air Force Department.

The provision cited in part above provides for leaves of absence for public employees in military forces and applies specifically to employees of any political subdivision of the State. Section 21-111 of the Code of Laws of South Carolina provides in relevant parts that 'every school district is and shall be a body politic and corporate . . . of _____ County, State of South Carolina.' Due to the provisions of the above referenced code section, it is beyond question that school districts are political subdivisions of the State of South Carolina and, therefore, employees of school districts are covered by the provisions of Section 44-861 of the Code of Laws of South Carolina. I hope this sufficiently answers the questions which you posed in your letter of February 3rd, and if we can be of any further assistance to you, please do not hesitate to call upon us.

Yours very truly,

Ellison D. Smith, IV
Assistant Attorney General

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