

1973 WL 27042 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 23, 1973

*1 William C. Lucius, Esquire
Legal Advisor
South Carolina Department of Corrections
Post Office Box 766
Columbia, South Carolina 29202

Dear Mr. Lucius:

You have inquired on behalf of the South Carolina Department of Corrections whether the Department may legally reimburse certain actual subsistence expenses incurred by one of its employees. I am advised that the official headquarters of your Department is located in Columbia, South Carolina, and that the employee involved is assigned to that headquarters and maintains an office therein, from which, he is required, from time to time to travel to geographical areas beyond that headquarters in the furtherance of his duties. I am further advised, that by his own choice and for his own convenience, the employee involved resides in Sumter, South Carolina, and that the claimed subsistence expenses now in question, are those incurred while performing duties in Columbia.

Act No. 1555, 1972 Acts and Joint Resolutions of the General Assembly of the State of South Carolina, gives the General Appropriations Act for fiscal year, 1972-73. Section 91 of that Act in pertinent part provides:

That all employees of the State of South Carolina or any agency thereof while traveling on the business of the State shall be allowed reimbursement for actual subsistence expenses incurred and paid not to exceed \$15.00 per day while traveling in the State . . .

. . . .

No expense shall be allowed an employee either at his place of residence or at the official headquarters of the agency by which he is employed, except that the members of the Public Service Commission and the Employment Security Commission may be reimbursed at the regular mileage rate for one round trip each week from their respective homes to Columbia, and each member of the Public Service Commission, regardless of the district he represents may receive the regular subsistence allowance of other State employees for not exceeding five days in any week while in Columbia on official business, and members of the Employment Security Commission for three such days.

When an employee is assigned to work a particular territory or district, and such territory or district and his official headquarters are in different localities, or sections of the State, expenses may be allowed for necessary travel to his official headquarters. (Emphasis supplied)

You will note that the language above quoted and emphasized would preclude the reimbursement of expenses incurred in traveling between Sumter and Columbia, or while working in Columbia. Nevertheless, any actual subsistence expenses incurred while traveling on official business beyond Columbia are properly reimburseable up to the maximum authorized by law.

I trust the foregoing information will provide guidance and assistance in this matter.

Yours very truly,

John P. Wilson
Senior Assistant Attorney General

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