

1973 S.C. Op. Atty. Gen. 244 (S.C.A.G.), 1973 S.C. Op. Atty. Gen. No. 3585, 1973 WL 21972

Office of the Attorney General

State of South Carolina

Opinion No. 3585

August 2, 1973

*1 An agency may not, consistent with Section 1–42.2, Code of Laws of South Carolina, pay its employee for one-third of his accumulated days of sick leave at the end of each year; the employee having accumulated nine or more days of sick leave during that year and the remaining accumulated days having been credited to the employee's overall accumulation of sick leave.

Director

State Personnel Division

Your letter to Mr. McLeod concerning payments for sick leave has been referred to me for reply. You have asked whether an agency may, consistent with Section 1–42.2, Code of Laws of South Carolina, pay its employee for one-third of his accumulated days of sick leave at the end of each year, provided the employee had accumulated nine or more days of sick leave during that year. The remaining accumulated days would be credited to the employee's overall accumulation of sick leave.

Section 1–42.2 of the Code, which governs sick leave for State employees, makes no provision for a payment plan such as the above. While Section 1–86 of the Code provides for payment in lieu of unused annual leave upon termination of employment, Section 1–42.2 contains no authorization for payments in lieu of unused sick leave. Thus it must be concluded that the General Assembly did not intend for unused sick leave to be compensable to State employees.

It is, therefore, the opinion of this office that the system of compensating employees for unused sick leave outlined above is not authorized by Section 1–42.2 and would be violative of the provisions of that section.

Randall T. Bell

Assistant Attorney General

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