

The State of South Carolina



Office of the Attorney General

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August 16, 1988

The Honorable W. Richard Lee
Senator, The Senate of South Carolina
P. O. Box 16010
Boiling Springs Station
Spartanburg, SC 29316

Dear Senator Lee:

You have requested the Opinion of this Office as to whether a teacher can use sick leave for any purpose other than the teacher's own illness, such as for a family member's illness. Provisions for sick leave for teachers are made under § 59-1-400 of the Code of Laws of South Carolina, (1976), as amended. A previous Opinion of this Office concluded that an earlier version of this statute established a minimum sick leave policy that provided leave only for the sickness of the employee seeking leave (1976 Ops. Atty. Gen. No. 4441); however, the Opinion concluded that this statute gave school districts the option to provide a more liberal definition or coverage for sick leave. This conclusion about sick leave benefits for teachers would still be applicable today because a 1984 amendment to § 59-1-400 made no change in the law that would affect the conclusion of the 1976 Opinion. See Act 512, Part II, § 47, Acts and Joint Resolutions of South Carolina, 1984. Therefore, under §59-1-400, a teacher can use sick leave only for his or her own illness unless his or her school district provides more liberal benefits that include use of leave for the illness of family members, or other purposes.

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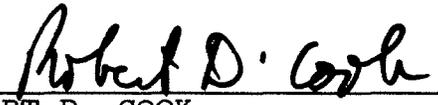
If you have any questions, please let me know.

Sincerely yours,


J. Emory Smith, Jr.
Assistant Attorney General

JESjr/jps
Enclosure

REVIEWED AND APPROVED BY:



ROBERT D. COOK
Executive Assistant for Opinions