

1975 WL 29777 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 2, 1975

\*1 Mr. David K. Martin  
Principal  
Gilbert Public Schools  
Gilbert, South Carolina 29054

Dear Mr. Martin:

You have requested an opinion concerning the State's position with respect to leaves of absence for public employees in military forces. Especially, you have asked whether or not you can be denied your pay or be made to make up for the days missed because of your attendance at National Guard Camp.

South Carolina Code Section 44-861, provides that you shall be entitled to a leave of absence from your respective duties without loss of pay, time or efficiency rating, for a period not exceeding fifteen days in any one year. Members of the South Carolina National Guard who are also public employees under Code Section 44-168 shall be entitled to military leave without loss of pay, seniority or efficiency rating when attending National Guard Encampment.

As a public employee of the Lexington County School System, you are entitled by the statutory law of South Carolina to attend National Guard Camp without loss of salary and cannot be required to make up the days missed because of such camp. This is equally true for any other public employee in the Lexington County School System.

Sincerely,

A. Camden Lewis  
Assistant Attorney General

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