

1974 WL 28112 (S.C.A.G.)
Office of the Attorney General
State of South Carolina
June 26, 1974

***1 Re: Computation of Annual Leave**

Mr. Jack S. Mullins
Director
State Personnel Division
1205 Pendleton Street
Columbia, South Carolina 29201

Dear Mr. Mullins:

Your letter of June 24, 1974, directed to the Attorney General, has been referred to me for reply. In that letter you inquire whether a State agency may take into account the prior military service of an employee in determining the rate at which such employee will earn annual leave.

The employee involved is Colonel Davis A. Osborn, an employee of the Department of Veteran's Affairs, and I am in receipt of Mr. Osborn's correspondence to you which you forwarded with your letter of June 24. Computation of annual leave is provided for in Act No. 997, Acts and Joint Resolutions, South Carolina General Assembly 1974. Section 2 of Act No. 997 provides in relevant part, 'for the first ten years of State service, he [a State employee] shall earn 1 1/4 working days' leave for each month of full time employment per year. After ten years he shall earn a bonus of 1 1/4 working days' annual leave for each year of continuous service; . . .' As can readily be seen, computation of annual leave is based upon years of State service and does not include by its plain language prior military service.

The fact that the South Carolina Retirement System in certain circumstances allows an individual to establish prior service credit based on military service has no bearing on the computation of annual leave for State employees.

Very truly yours,

Ellison D. Smith, IV
Assistant Attorney General

1974 WL 28112 (S.C.A.G.)

End of Document

© 2019 Thomson Reuters. No claim to original U.S. Government Works.