

1974 WL 27849 (S.C.A.G.)  
Office of the Attorney General  
State of South Carolina  
July 10, 1974

\*1 Mr. Jack S. Mullins  
Director  
State Personnel Division  
1205 Pendleton Street  
Columbia, South Carolina 29201

Dear Mr. Mullins:

Your letter of June 27, 1974, addressed to the Attorney General, has been referred to me for consideration and reply. In that letter you enclosed a provision of the 1974-1975 Appropriations Act which dealt with the purchasing of insurance for employees of the State's school districts. Subsequent to the letter of June 27, you furnished this office with an additional amendment to the Appropriations Bill as it relates to the purchase of insurance for employees of school districts. In your letter of June 27 you posed two questions. I shall attempt to answer the questions in the order in which you posed them. The first questions is as follows:

1. Does the wording of the Appropriations Act clearly mean that coverage and benefits paid for by the State for insurance for public school employees shall be the same as for State employees now covered?

In answering this question, I direct your attention to the language of the Appropriations Act under consideration which provides:

Provided, Further, That the amount appropriated in this section for 'Health Insurance-School District Employees' shall be applied by the Budget and Control Board to the cost of health insurance and/or long-term disability and limited life coverage for employees of school districts with coverage and benefits the same as are provided for State employees.

It is the opinion of this Office that the language in question is clear and unambiguous and requires that the insurance purchased by the school districts be the same as far as the coverage in the benefits of the insurance as is currently provided for other State employees.

The second question which you posed is as follows:

2. Can the school district secure at its own expense additional coverage and benefits not now provided for State employees under the existing master contract?

In regard to this question, I direct your attention to the following language also contained in the Appropriations Act which provides:

In the event any school district so desires, it may elect to obtain, with the approval of the Budget and Control Board, not less than such coverage and benefits by direct contract with an insurance carrier, in which event the district shall be allotted its pro rata share of this appropriation.

It is the opinion of this Office that school districts may, if they opt, enter into direct negotiations with insurance carriers and purchase at their own expense coverage and benefits which are not currently provided other State employees under

the master contract which the State has with Blue Cross—Blue Shield. However, it should be pointed out that in no event can the school districts—whether they elect to proceed under existing insurance contracts or whether they elect to negotiate their own contracts—secure coverage and benefits which are not at a minimum the same as are currently provided for the State employees.

\*2 I hope the foregoing sufficiently answers the questions which you posed in your letter of June 27. If this Office can be of any further assistance to you, please do not hesitate to contact us.

Yours very truly,

Ellison D. Smith IV  
Assistant Attorney General

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