

1974 S.C. Op. Atty. Gen. 270 (S.C.A.G.), 1974 S.C. Op. Atty. Gen. No. 3857, 1974 WL 22441

Office of the Attorney General

State of South Carolina

Opinion No. 3857

September 11, 1974

*1 Employees of the House of Representatives must work at least 37.5 hours per week to be considered as full-time employees eligible to participate in State Health, Insurance, and Retirement Programs.

Executive Director
Research and Personnel
House of Representatives

In your letter of September 5, 1974, you state:

We are aware that most state employees who are in full-time positions are required to work a 37½ (sic) work week and we are prepared to incorporate such requirements into our regulations.

We would like very much to have your opinion as to the status of law on this matter on which we will base our hours of work policy for the House of Representative employees.

The employees to be covered under this plan are to be hired by the House of Representatives and not through State Personnel. These employees will, however, participate in the State Retirement System and in the State Insurance System. As explained in the enclosed letter of June 12, 1972, from Attorney General Daniel R. McLeod to Mr. F. Earl Ellis, Director of Personnel Division, the current work week for permanent State employees is from 8:30 a.m. until 5:00 p.m., Monday through Friday, with certain exceptions provided where a seven day work week exists. See, Section 1-91.6 Code of Laws of South Carolina (1962) (as amended).

However, Assistant Attorney General Hardwick Stuart wrote in his opinion to Mr. Ellis on June 8, 1972, a copy of which is enclosed, that eligibility to participate in the State Health Insurance Program is also based upon definition of the "employee" which is defined in Section 61-4(a).

An "employee" in the meaning of the State requirements is defined as:
to the extent he is compensated by the State, any employee, agent or officer of the State of any of its departments, bureaus and institutions, other than the public schools, whether such employee is elected, appointed or employed....

Since all the employees of the House of Representatives are to participate in the State Health and Insurance Program and the State Retirement System, they, therefore, must work a minimum 37½ hours per week to be considered full-time State employees and to be eligible to participate in the above programs.

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