

MINUTES OF BUDGET AND CONTROL BOARD MEETING

OCTOBER 10 1972

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The State Budget and Control Board held a luncheon meeting at the Governor's Mansion at 1:00 p. m. on October 10, 1972, with the following Board members in attendance:

Governor John C. West
Mr. Grady Patterson
Mr. R. J. Aycock
Mr. Henry Mills

Also in attendance were Messrs. P. C. Smith, W. T. Putnam, F. E. Ellis, F. E. McEachern and Dr. W. H. Hall.

The following business was transacted.

MENTAL HEALTH COMMISSION - Construction - Dr. Hall requested that the Board approve the construction of a warehouse and deep freeze facility at a cost of \$350,000 and further asked that the funds be provided from the patient fee account.

Governor West called Dr. Hall's attention to the fact that a current study suggested a central food and warehouse facility in which the Department of Mental Health would play an important part. Dr. Hall agreed to hold his request in abeyance until he had an opportunity to review the study.

LOCATION OF NEW OFFICE BUILDING - Dr. William H. Hall, Mr. P. C. Smith and Mr. F. E. McEachern advised the Board that they had engaged in extensive conversations concerning a site for a new State office building. They agreed that the originally proposed site, directly across Bull Street from the Headquarters Building of the Mental Health Commission, was not as desirable as an eight acre site which is located between the Mental Health

Commission Building and the Sims Building (Board of Health). However, the property in question is presently owned by the Commission for the Blind; and Dr. Fred Crawford has indicated that he wishes to retain this tract for a resident and food service facility.

The Budget and Control Board asked that the committee meet further to locate a suitable site for the Commission for the Blind and to make further recommendations to the Board.

COLONIAL DRIVE - POSSIBLE RELOCATION - Dr. William Hall advised the Board that at some time in the future the Mental Health Commission may wish to approach the State Highway Department and the City of Columbia with a request to relocate a part of Colonial Drive and asked the Board for any reaction which it might have to such a proposal.

After viewing a sketch of the possible relocation, the Board agreed to back such a plan if the Mental Health Commission so desires.

PERSONNEL DIVISION -

ANNUAL LEAVE GUIDELINES - Mr. F. E. Ellis, Director of the Personnel Division, presented a proposal for extensive annual leave guidelines pertaining to annual leave for State employees and asked the Board's approval of these proposals.

Mr. Grady L. Patterson questioned Mr. Ellis extensively in order to assure the Board that the guidelines did not exceed the scope of authority of the Budget and Control Board and were, in fact, consistent with the law. Mr. Ellis assured the Board that it had the legal authority for the formulation of all of the rules contained in his proposal.

The Board approved the rules and regulations for annual leave as proposed by Mr. Ellis, but in its approval the members made it very clear that it was not their intention to exceed any authority which it might have or to negate any portion

of the Legislative Act.

A copy of the proposal submitted by Mr. Ellis has been retained in these files and is designated as Exhibit I.

RETIREE'S INSURANCE - Mr. Ellis recommended that the State pay \$4 per month on the insurance for retirees of the State of South Carolina. The Board approved this recommendation.

DEPARTMENT OF CORRECTIONS - SALARY SUPPLEMENT - In its meeting of August 17, 1972, the Budget and Control Board had received a request from the Department of Corrections pertaining to a salary supplement for Dr. L. P. Elam, Jr. At that time, it was reported that Dr. Elam was earning a salary of \$22,228 with a salary supplement of \$6,500 which was paid for extra work which he was doing with a drug program. The Board was advised, at that time, that the supplement was paid entirely from Federal funds and could be raised to \$10,400 under the provisions of the grant. The Department asked that the additional supplement be permitted.

In the previous meeting, the Board declined to act upon this request and asked that Mr. Ellis obtain additional information concerning Dr. Elam's duties and the requirements of the drug program.

Mr. Ellis reported that Dr. Elam was, in fact, working approximately twenty hours a week on the drug program in addition to his normal working hours. He also indicated that the drug program was of a temporary nature and would be terminated at the end of two more years.

In view of the above facts, the Board approved the additional salary supplement for Dr. Elam, but indicated that its approval was based upon the fact that the program was already established and funded and that its action should not be

construed as setting a precedent.

REWARD - Governor John C. West advised the Board that he would like to offer a \$5,000 reward for the apprehension of the killer or killers of highway patrolman Roy Caffey.

The Board approved of this action and of the payment of the reward from the Civil Contingent Fund.

GENERAL SERVICES DIVISION -

TIDELANDS REGULATIONS - Mr. Furman McEachern, Director of the General Services Division, advised the Board that he had been working with the Office of the Attorney General for the development of regulations pertaining to excavation in the tidelands of the State and that the proposed regulations had now been completed. He recommended that the Board approve these recommendations and file them with the Office of the Secretary of State.

The Board gave its approval to the regulations and directed Mr. P. C. Smith to file them with the Secretary of State.

A copy of these regulations has been retained in this file and is designated as Exhibit II.

LACE HOUSE IMPROVEMENTS - Mr. McEachern advised the Board that Federal funds were available, on an equal matching basis, for the acquisition and improvement of the property adjacent to the Lace House. The cost of the entire project would be approximately \$300,000, and it is anticipated that the State can provide a large portion of its share by in-kind contributions.

The Board approved the application of the Federal funds provided State funding could be arranged.

LANDSCAPING - STATE HOUSE GROUNDS - Mr. McEachern reminded the Board of its approval in 1969 for the landscaping of the State House grounds. He stated that Midland Construction

Company was the low bidder for the completion of this landscaping project, and advised the Board that he now plans to continue this work.

SALE OF PUBLICATIONS - Mr. McEachern advised the Budget and Control Board that during the year 1970 a book entitled The State House Of South Carolina was published and distributed widely throughout the State, but that a number of the volumes remain on hand. The Board approved his recommendation that he be permitted to determine a suitable selling price and to place the proceeds from the sale of these books in the Office Supply Revolving Fund.

SPACE RENTAL - The Board approved the renting of office space as described below:

Higher Education Facilities Commission - 2611 Forest Drive - 747 square feet at an annual rental rate of \$3,922.

Higher Education Facilities Commission - 1316 Main Street - 819 square feet at an annual rental rate of \$3,380.

Commission On Aging - 1821 Gadsden Street - 300 square feet at a monthly rental rate of \$175.

Commission On Aging - 1809 Gadsden Street - 200 square feet at a monthly rental rate of \$85.

AUTOMOBILE ACQUISITION - The Budget and Control Board approved the acquisition and disposal of several vehicles as recommended by Mr. Furman McEachern.

A list of these vehicles has been retained and is designated as Exhibit III.

TIDELAND PERMITS - The Board approved numerous permits

for tideland construction as recommended by Mr. McEachern.

A list of these permits has been retained and is designated as Exhibit IV.

HIGHWAY DEPARTMENT - The South Carolina Highway Department notified the Budget and Control Board that a lot on Senate Street was available at a price of \$40,000 and requested permission to obtain this property. The Board approved this request.

The Board was also advised that property on Shop Road was available and that this property was immediately adjacent to the present Highway Department facilities. It was stated that this property could be obtained for approximately \$340,000 and would be very desirable for the possible relocation of the main office of the Highway Department.

The Board approved of the acquisition of this property by the Highway Department if it saw fit to do so.

A drawing of this property has been retained in these files and is designated as Exhibit V.

There being no further business, the meeting was adjourned at 2:30 p. m.

STATE OF SOUTH CAROLINA
PERSONNEL DIVISION

EXHIBIT I
OCT. 10, 1972

F. E. ELLIS
STATE DIRECTOR



TELEPHONE
(803) 758-3334

700 KNOX ABBOTT DRIVE
CAYCE, SOUTH CAROLINA 29033

October 10, 1972

TO: MEMBERS, BUDGET AND CONTROL BOARD

Our correspondence of September 12, 1972, transmitted to you our proposed guidelines on annual leave for your review and consideration. Since that time, we have amended the proposed guidelines to eliminate the twelve (12) months limit on breaks in service. This limit was intended to put a ceiling on the length of a break in service, beyond which time all previous periods of State service would not be credited in determining an employee's total length of service. In examining the statute more closely, it appears that the intent of the Legislature was to give credit for all prior service before and after the effective date of the law regardless of the length of any break in service.

Yours truly,

A handwritten signature in cursive script, appearing to read 'F. E. Ellis'.

F. E. Ellis
State Director of Personnel

FEE:jfs

enclosures

cc: The Honorable P. C. Smith
Secretary, Budget and Control Board

STATE OF SOUTH CAROLINA
PERSONNEL DIVISION

F. E. ELLIS
STATE DIRECTOR



TELEPHONE
(803) 788-3334

700 KNOX ABBOTT DRIVE
CAYCE, SOUTH CAROLINA 29033

September 12, 1972

TO: MEMBERS, BUDGET AND CONTROL BOARD

Enclosed for your review and consideration is a copy of the guidelines which we would propose to issue to all State agencies in the name of the Budget and Control Board for administering the recently enacted Annual Leave Law. These guidelines have been reviewed in detail with the Attorney General. It is his opinion that the statements as drafted could not properly be used as official regulations since they go beyond the language of the Act in providing interpretations and procedures based upon administrative constructions of the law, but he agrees that they could be used as "guidelines". This is a practice followed commonly by the U. S. Department of Labor, the EEOC and other Federal agencies in administering the Fair Labor Standards Act, the Civil Rights Act, etc. In the case of the Maternity Leave Law, it is the opinion of the Attorney General that interpretive guidelines will not be necessary due to the specific wording of the Law, and that we need issue only a copy of the enacted statute.

The barrage of inquiries from State agency officials and individual employees concerning the application of the new Annual Leave and Maternity Leave Laws, and the repeated requests for the dissemination of guidelines and instructions dictate a high priority to releasing these materials. The statements in our guidelines have been drafted and edited with great care with a view to assuring fair and equitable treatment to all employees within the provisions of the Law, providing administrators with clear, understandable definitions, rules and instructions, and safeguarding the fiscal responsibility of the State.

With the approval of the Board, we would propose to re-produce these materials in quantity and release copies to each of the departments, agencies, commissions, etc., of the State on or before September 20, 1972. Please let me know as soon as possible if you have any significant reservations or wish some particular explanations.

Thank you for your continuing assistance.

Yours truly,

F. E. Ellis
State Director of Personnel

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SECTION 1

ANNUAL LEAVE GUIDELINES

The June 2, 1972, Annual Leave Act for State employees establishes a standard annual leave earning rate that shall apply to all State employees except teaching personnel and officials of academic rank at State-supported institutions of higher learning.

Section 1-1. DEFINITIONS

For the purpose of these guidelines, the following definitions apply:

- (a) Agency: an instrumentality of State government, such as, but not limited to, the following: Authority, Board, Bureau, Commission, Committee, Council, Department, Division, or Institution of Higher Learning.
- (b) Permanent full-time employee: one who has completed six (6) months of satisfactory service; one who is scheduled to work the agency's official workweek (but in no event less than 37.5 hours per workweek); and who is not a temporary or student employee.
- (c) Permanent part-time employee: one who has completed six (6) months of satisfactory service; who is scheduled to work no less than one-half ($\frac{1}{2}$) the workweek of a full-time employee of that agency; or who is scheduled to work the full-time schedule per workweek for not less than six (6) calendar months per year; and who is not a temporary or student employee.
- (d) Day: the total hours in a workday that an employee is regularly scheduled to work.
- (e) Year: calendar year, from January 1 through December 31.

Section 1-2. ELIGIBILITY

Annual leave shall be accrued by and granted to:

- (a) permanent full-time employees, and
- (b) permanent part-time employees,

in accordance with the definitions and in the amounts as prescribed herein.

Section 1-3. ANNUAL LEAVE RECORD

A leave record shall be maintained by the employing agency for each employee covered under the provisions of the Act, which shall be subject to audit by the State Budget and Control Board. Such record shall:

- be balanced no less frequently than once each calendar year,
- indicate the number of leave days earned during the current calendar year,
- indicate the number of leave days used during the current calendar year,
- indicate the number of days carried forward from the previous calendar year, but not exceeding the maximum accrual authorized,
- include any other information the agency may require, and
- be subject to inspection by the employee no less than once per calendar year, should the employee so request.

Section 1-4. ANNUAL LEAVE EARNINGS

A. FULL-TIME EMPLOYEES

1. FIVE (5) DAYS PER WORKWEEK SCHEDULE

(a) Service of less than six (6) months

Full-time employees with less than six (6) months service do not accrue annual leave.

(b) Service of ten (10) years or less

Full-time employees, upon the completion of their first six (6) months of service, on five (5) days per workweek schedule with State service of less than ten (10) years, shall earn annual leave dating from date of employment at the rate of one and one-fourth (1½) working days per full month of service in each calendar year.

(c) Service of more than ten (10) years

Full-time employees on a five (5) days per workweek schedule with State service of more than ten (10) years, shall earn annual leave at the rate of:

1. one and one-fourth ($1\frac{1}{4}$) working days per full month of service in each calendar year, plus
2. one and one-fourth ($1\frac{1}{4}$) working days for each year of continuous service in excess of ten (10) years,

except that the maximum number of working days of annual leave that may be accrued in any one year shall not exceed thirty (30).

2. WORKWEEK SCHEDULES OF MORE THAN FIVE (5) DAYS

Full-time employees on regularly scheduled workweeks of more than five (5) days shall earn annual leave at rates that produce the equivalent earnings of the employees on a five (5) days per workweek schedule: For example:

(a) Five and one-half ($5\frac{1}{2}$) days per workweek schedule

During the first ten (10) years of service, the earnings rate for employees on a five and one-half ($5\frac{1}{2}$) days per workweek schedule shall be 1.375 working days per month per calendar year. In addition, employees after ten (10) years of service shall earn 1.375 working days of leave for each year of continuous service, except that the maximum number of working days that may be earned in any one year shall not exceed thirty-three (33).

(b) Six (6) days per workweek schedule

During the first ten (10) years of service, the earnings rate for employees on a six (6) days per workweek schedule shall be 1.5 working days per month per calendar year. In addition, employees after ten (10) years of service shall earn 1.5 working days of leave for each year of continuous service, except that the maximum number of working days that may be earned in any one year shall not exceed thirty-six (36).

B. PART-TIME EMPLOYEES

1. Service of less than six (6) months

Part-time employees with less than six (6) months of service do not accrue annual leave.

2. Service of more than six (6) months

Part-time employees, upon the completion of their first six (6) months of service, shall earn annual leave dating from date of employment on a pro-rata basis that produces the equivalent earnings of the employees on a five (5) days per workweek schedule. (See Section 1-1. DEFINITIONS, Item (c), Permanent Part-time Employee)

Section 1-5. MAXIMUM ACCUMULATION

A. FULL-TIME EMPLOYEES

1. Five (5) days per workweek schedule

Full-time employees on a five (5) days per workweek schedule shall be permitted to carry over from one calendar year to the next any unused earned annual leave up to a total accumulation of forty-five (45) days; EXCEPT THAT, employees of a merit system agency that previously provided for a maximum accumulation in excess of forty-five (45) days and who had been credited with a maximum accumulation in excess of forty-five (45) days as of June 2, 1972, shall not forfeit the excess, but shall retain such excess leave which shall be the maximum amount the employee may carry over into future years. If the employee subsequently reduces the amount of such leave carried over, the reduced amount, if in excess of forty-five (45) days, shall become the employee's maximum carry over into future years. If the employee further reduces the amount of such leave carried over to forty-five (45) days or less, forty-five (45) days shall become the maximum amount of unused annual leave the employee may thereafter accumulate.

2. Workweek schedules of more than five (5) days

Full-time employees on regularly scheduled workweeks of more than five (5) days shall be permitted to carry over from one calendar year to the next any unused earned annual leave up to a total accumulation that is equivalent to the maximum accumulation of forty-five (45) days for employees on a five (5) days per workweek schedule. For example:

(a) Five and one-half (5½) days per workweek schedule

The maximum accumulated annual leave for employees regularly scheduled to work five and one-half (5½) days per workweek shall be forty-nine and one-half (49½) working days.

(b) Six (6) days per workweek schedule

The maximum accumulated annual leave for employees regularly scheduled to work six (6) days per workweek shall be fifty-four (54) working days.

B. PERMANENT PART-TIME EMPLOYEES

Permanent part-time employees shall be permitted to carry over from one calendar year to the next any unused earned annual leave up to a total accumulation that, on a pro-rata basis, produces the equivalent maximum accumulation of the employees on a five (5) days per workweek schedule.

Section 1-6. EARNED LEAVE IN EXCESS OF MAXIMUM ACCUMULATION

All eligible employees shall be entitled to bring into any calendar year the maximum accumulation as authorized in Section 1-5. Any eligible employee that does bring the maximum accumulation into a calendar year shall also be entitled to earn and use annual leave up to a maximum as authorized in Section 1-7 (A) during that calendar year. However, only the maximum accumulation as authorized in Section 1-5 may be carried over into the next calendar year.

Section 1-7. USING AND SCHEDULING LEAVE

A. MAXIMUM DAYS USED PER YEAR

The maximum number of earned or accumulated working days of annual leave that may be used in any one calendar year shall not exceed:

1. For employees on a five (5) days per workweek schedule - thirty (30) working days,
2. For employees on regularly scheduled workweeks of more than five (5) days - a total number of working days that are equivalent to thirty (30) working days for a five (5) days per workweek schedule, or
3. For employees on a part-time schedule - the pro-rata portion of the thirty (30) working days maximum that is applicable to employees on a five (5) days per workweek schedule.

B. SCHEDULING LEAVE

To the degree possible, employees' requests for specific periods of annual leave shall be honored. However, considerations of workloads, work distribution, and similar factors may necessitate changes. Approval of the appointing authority is required for:

1. the specific periods that employees shall be on annual leave, and
2. the length of any annual leave, i.e., the number of consecutive working days in any one leave period.

C. UNITS OF ANNUAL LEAVE

The appointing authority shall establish policies on the using and scheduling of annual leave but in no event shall leave be used and charged in units of less than one (1) hour.

D. HOLIDAY DURING LEAVE

A holiday observed by the employing agency while an employee is on a period of annual leave that falls on a day that the employee would otherwise have scheduled to work shall not be charged as a day of annual leave.

Section 1-8. LEAVE COMPUTATION

For ease of administration, records on leave earned, leave taken, and leave accumulated should be converted to the hourly equivalent. By so doing, varied work schedules can be readily equated to the base of a five (5) day workweek schedule.

Section 1-9. CREDITED SERVICE

A. EMPLOYEES HIRED PRIOR TO JUNE 2, 1972

Employees as of June 2, 1972, shall carry forward all service as a State employee prior to June 2, 1972, for purposes of determining annual leave earnings.

B. CUMULATIVE SERVICE

Subsequent to June 2, 1972, employees who terminate employment with the State and who are rehired shall be given credit for the period of service prior to termination but shall not be given service credit for the period between termination and reemployment. (No prior leave accrual shall be reinstated.)

C. LEAVES WITHOUT PAY AND EDUCATIONAL LEAVES

Periods of authorized leave without pay of over five (5) working days in any one pay period and periods of educational leave shall not be credited as service for determining annual leave earnings.

D. ANNIVERSARY DATE

Employees' anniversary dates shall be adjusted for the total length of periods of authorized leave without pay of over five (5) working days in any one pay period, periods of educational leave, and for periods of breaks in service as defined above.

E. CREDITING LEAVE FOR SERVICE OF OVER TEN (10) YEARS

The additional leave earnings based upon service of over ten (10) years shall be granted to employees each calendar year on their adjusted anniversary dates.

Section 1-10. TRANSFER

Employees who transfer from one State agency to another shall transfer their accumulated unused leave up to that total amount authorized adjusted to the scheduled workweek of the gaining agency.

In the case of an employee transferring from a merit system agency who has a maximum accumulation in excess of that currently authorized by the gaining agency, the excess shall be paid in lump sum to the employee by the losing agency at the time of transfer.

An employee's transfer from one State agency to another shall not constitute a break-in-service.

Section 1-11. HIRING ADDITIONAL EMPLOYEES

Additional employees shall not be hired to replace employees on annual leave. When a vacancy occurs due to termination of employment, a replacement may be employed.

Section 1-12. TERMINATION OF EMPLOYMENT

Upon termination of employment with the State, employees shall be paid in lump sum for the authorized unused annual leave earnings accumulated to their credit, except that:

1. the total number of working days used by an employee in that calendar year, plus

2. the total number of working days paid in lump sum to such employee,

shall not exceed the maximum allowable number of working days accumulation as defined in Section 1-5.

No additional annual leave earnings apply during the period represented by the lump sum payment and service credits are not given for such period.

Section 1-13. PAYMENT UPON DEATH OF EMPLOYEES

Upon the death of an employee while in active service, the legal representative shall be entitled to payment in lump sum for the authorized unused annual leave earnings accumulated to his or her credit up to the date of death, except that:

1. the total number of working days used by the employee in that calendar year, plus
2. the total number of working days paid in lump sum to the employee's legal representative,

shall not exceed the maximum allowable number of working days accumulation as defined in Section 1-5.

Section 1-14. QUESTIONS AND PROBLEMS

State agencies that have problems regarding the administration of annual leave or questions about the policies herein are to contact the State Personnel Division for assistance. As needed, interpretive memoranda shall be issued by the State Personnel Division to clarify intent or to give examples that will be helpful in carrying out the provisions of the Annual Leave Act.

ANNUAL LEAVE COMPUTATION PROCEDURE

- A. $\frac{\text{Number of hours in an employee's workweek}}{\text{Number of hours in the employing agency's full-time five (5) day workweek}} = \frac{\text{Percent (\%) of full-time five (5) day workweek that the employee works}}{\text{five (5) day workweek that the employee works}}$
- B. $(\text{Number of hours in a full-time employee's workday}) \times (1\frac{1}{2}) = \text{Hourly equivalent annual leave earnings of a full-time employee}$
- C. $(\% \text{ of full-time five (5) day workweek the employee works}) \times (\text{Hourly equivalent annual leave earnings of a full-time employee}) = \text{Number hours of annual leave earned by an employee per month*}$

* The number hours of annual leave earned by an employee per month also represents the same number hours of additional annual leave earnings that shall be credited to an employee for each year of continuous State service in excess of ten (10) years.

- D. $(\text{Number hours of annual leave earned by an employee per month}) \times (12 \text{ months}) = \text{Number hours of annual leave earned by an employee per year}$
- E. $(\text{Number hours of annual leave earned by an employee per year}) \times (2)** = \text{The maximum number hours of annual leave that an employee may earn or use in any single calendar year}$

** Twice the hourly earnings per year.

- F. $(\text{Number hours of annual leave earned by an employee per year}) \times (3)*** = \text{The maximum number hours of annual leave that an employee may carry over from one calendar year to the next}$

*** Three times the hourly earnings per year.

ANNUAL LEAVE EARNINGS

EXAMPLES

(1.) Full-time, $37\frac{1}{2}$ hour workweek, $7\frac{1}{2}$ hour workday, 5 days per workweek.

$$(a.) \frac{37.500 \text{ hours}}{37.500 \text{ hours}} = 100\% \text{ (\% of full-time five (5) day workweek that the employee works)}$$

$$(b.) (7.500 \text{ hours}) \times (1\frac{1}{4}) = 9.375 \text{ hours (Hourly equivalent annual leave earnings of a full-time employee)}$$

$$(c.) (100\%) \times (9.375 \text{ hours}) = 9.375 \text{ hours (Number hours of annual leave earned by an employee per month)}$$

$$(d.) (9.375 \text{ hours}) \times (12 \text{ months}) = 112.500 \text{ hours (Number hours of annual leave earned by an employee per year)}$$

$$(e.) (112.500 \text{ hours}) \times (2) = 225.000 \text{ hours (The maximum number hours of annual leave that an employee may earn or use in any single calendar year)}$$

$$(f.) (112.500 \text{ hours}) \times (3) = 337.500 \text{ hours (The maximum number hours of annual leave that an employee may carry over from one calendar year to the next)}$$

(2.) Full-time, 40 hour workweek, 8 hour workday, 5 days per workweek.

(a.) $\frac{40.000 \text{ hours}}{40.000 \text{ hours}} = 100\%$ (% of full-time five (5) day workweek that the employee works)

(b.) $(8.000 \text{ hours}) \times (1\frac{1}{4}) = 10.000 \text{ hours}$ (Hourly equivalent annual leave earnings of a full-time employee)

(c.) $(100\%) \times (10.000 \text{ hours}) = 10.000 \text{ hours}$ (Number hours of annual leave earned by an employee per month)

(d.) $(10.000 \text{ hours}) \times (12 \text{ months}) = 120.000 \text{ hours}$ (Number hours of annual leave earned by an employee per year)

(e.) $(120.000 \text{ hours}) \times (2) = 240.000 \text{ hours}$ (The maximum number of hours of annual leave that an employee may earn or use in any single calendar year)

(f.) $(120.000 \text{ hours}) \times (3) = 360.000 \text{ hours}$ (The maximum number hours of annual leave that an employee may carry over from one calendar year to the next)

(3.) Full-time, 45 hour workweek, 9 hour workday, 5 days per workweek.

$$(a.) \frac{45.000 \text{ hours}}{45.000 \text{ hours}} = 100\% \text{ (\% of full-time five (5) day workweek that the employee works)}$$

$$(b.) (9.000 \text{ hours}) \times (1\frac{1}{4}) = 11.250 \text{ hours (Hourly equivalent annual leave earnings of a full-time employee)}$$

$$(c.) (100\%) \times (11.250 \text{ hours}) = 11.250 \text{ hours (Number hours of annual leave earned by an employee per month)}$$

$$(d.) (11.250 \text{ hours}) \times (12 \text{ months}) = 135.000 \text{ hours (Number hours annual leave earned by an employee per year)}$$

$$(e.) (135.000 \text{ hours}) \times (2) = 270.000 \text{ hours (The maximum number hours of annual leave that an employee may earn or use in any single calendar year)}$$

$$(f.) (135.000 \text{ hours}) \times (3) = 405.000 \text{ hours (The maximum number hours of annual leave that an employee may carry over from one calendar year to the next)}$$

(4.) Part-time ($\frac{1}{2}$), $37\frac{1}{2}$ hour workweek, $7\frac{1}{2}$ hour workday, 5 days per workweek.

(a.) $\frac{18.750 \text{ hours}}{37.500 \text{ hours}} = 50\%$ (% of full-time five (5) day workweek that the employee works)

(b.) $(7.500 \text{ hours}) \times (1\frac{1}{4}) = 9.375 \text{ hours}$ (Hourly equivalent annual leave earnings of a full-time employee)

(c.) $(50\%) \times (9.375 \text{ hours}) = 4.6875 \text{ hours}$ (Number hours of annual leave earned by an employee per month)

(d.) $(4.6875 \text{ hours}) \times (12 \text{ months}) = 56.250 \text{ hours}$ (Number hours annual leave earned by an employee per year)

(e.) $(56.250 \text{ hours}) \times (2) = 112.500 \text{ hours}$ (The maximum number hours of annual leave that an employee may earn or use in any single calendar year)

(f.) $(56.250 \text{ hours}) \times (3) = 168.750 \text{ hours}$ (The maximum number hours of annual leave that an employee may carry over from one calendar year to the next)

(5.) Part-time ($\frac{1}{2}$), 40 hour workweek, 8 hour workday, 5 days per workweek.

(a.) $\frac{20.000 \text{ hours}}{40.000 \text{ hours}} = 50\%$ (% of full-time five (5) day workweek that the employee works)

(b.) $(8.000 \text{ hours}) \times (1\frac{1}{4}) = 10.000 \text{ hours}$ (Hourly equivalent annual leave earnings of a full-time employee)

(c.) $(50\%) \times (10.000 \text{ hours}) = 5.000 \text{ hours}$ (Number hours of annual leave earned by an employee per month)

(d.) $(5.000 \text{ hours}) \times (12 \text{ months}) = 60.000 \text{ hours}$ (Number hours of annual leave earned by an employee per year)

(e.) $(60.000 \text{ hours}) \times (2) = 120.000 \text{ hours}$ (The maximum number hours of annual leave that an employee may earn or use in any single calendar year)

(f.) $(60.000 \text{ hours}) \times (3) = 180.000 \text{ hours}$ (The maximum number hours of annual leave that an employee may carry over from one calendar year to the next)

(6.) Part-time ($\frac{1}{2}$), 45 hour workweek, 9 hour workday, 5 days per workweek.

$$(a.) \frac{22.500 \text{ hours}}{45.000 \text{ hours}} = 50\% \text{ (\% of full-time five (5) day workweek that the employee works)}$$

$$(b.) (9.000 \text{ hours}) \times (1\frac{1}{4}) = 11.250 \text{ hours (Hourly equivalent annual leave earnings of a full-time employee)}$$

$$(c.) (50\%) \times (11.250 \text{ hours}) = 5.625 \text{ hours (Number hours annual leave earned by an employee per month)}$$

$$(d.) (5.625 \text{ hours}) \times (12 \text{ months}) = 67.500 \text{ hours (Number hours of annual leave earned by an employee per year)}$$

$$(e.) (67.500 \text{ hours}) \times (2) = 135.000 \text{ hours (The maximum number hours of annual leave that an employee may earn or use in any single calendar year)}$$

$$(f.) (67.500 \text{ hours}) \times (3) = 202.500 \text{ hours (The maximum number hours of annual leave that an employee may carry over from one calendar year to the next)}$$

(7.) Full-time, 45 hour workweek, 7½ hour workday, 6 days per workweek.

$$(a.) \frac{45.000 \text{ hours}}{37.500 \text{ hours}} = 120\% \text{ (\% of full-time five (5) day workweek that the employee works)}$$

$$(b.) (7.500 \text{ hours}) \times (1\frac{1}{4}) = 9.375 \text{ hours (Hourly equivalent annual leave earnings of a full-time employee)}$$

$$(c.) (120\%) \times (9.375 \text{ hours}) = 11.250 \text{ hours (Number hours of annual leave earned by an employee per month)}$$

$$(d.) (11.250 \text{ hours}) \times (12 \text{ months}) = 135.000 \text{ hours (Number hours of annual leave earned by an employee per year)}$$

$$(e.) (135.000 \text{ hours}) \times (2) = 270.000 \text{ hours (The maximum number hours of annual leave that an employee may earn or use in any single calendar year)}$$

$$(f.) (135.000 \text{ hours}) \times (3) = 405.000 \text{ hours (The maximum number hours of annual leave that an employee may carry over from one calendar year to the next)}$$

(8.) Full-time, 48 hour workweek, 8 hour workday, 5 days per workweek.

$$(a.) \frac{48.000 \text{ hours}}{40.000 \text{ hours}} = 120\% \text{ (\% of full-time five (5) day workweek that the employee works)}$$

$$(b.) (8.000 \text{ hours}) \times (1\frac{1}{2}) = 10.000 \text{ hours (Hourly equivalent annual leave earnings of a full-time employee)}$$

$$(c.) (120\%) \times (10.000 \text{ hours}) = 12.000 \text{ hours (Number hours of annual leave earned by an employee per month)}$$

$$(d.) (12.000 \text{ hours}) \times (12 \text{ months}) = 144.000 \text{ hours (Number hours of annual leave earned by an employee per year)}$$

$$(e.) (144.000 \text{ hours}) \times (2) = 288.000 \text{ hours (The maximum number hours of annual leave that an employee may earn or use in any single calendar year)}$$

$$(f.) (144.000 \text{ hours}) \times (3) = 432.000 \text{ hours (The maximum number hours of annual leave that an employee may carry over from one calendar year to the next)}$$

(9.) Full-time, 54 hour workweek, 9 hour workday, 6 days per workweek.

$$(a.) \frac{54.000 \text{ hours}}{45.000 \text{ hours}} = 120\% \text{ (\% of full-time five (5) day workweek that the employee works)}$$

$$(b.) (9.000 \text{ hours}) \times (1\frac{1}{4}) = 11.250 \text{ hours (Hourly equivalent annual leave earnings of a full-time employee)}$$

$$(c.) (120\%) \times (11.250 \text{ hours}) = 13.500 \text{ hours (Number hours of annual leave earned by an employee per month)}$$

$$(d.) (13.500 \text{ hours}) \times (12 \text{ months}) = 162.000 \text{ hours (Number hours of annual leave earned by an employee per year)}$$

$$(e.) (162.000 \text{ hours}) \times (2) = 324.000 \text{ hours (The maximum number hours of annual leave than an employee may earn or use in any single calendar year)}$$

$$(f.) (162.000 \text{ hours}) \times (3) = 486.000 \text{ hours (The maximum number hours of annual leave that an employee may carry over from one calendar year to the next)}$$

(10.) Part-time ($\frac{1}{2}$), 45 hour workweek, $7\frac{1}{2}$ hour workday, 6 days per workweek.

$$(a.) \frac{22.500 \text{ hours}}{37.500 \text{ hours}} = 60\% \text{ (\% of full-time five (5) day workweek that the employee works)}$$

$$(b.) (7.500 \text{ hours}) \times (1\frac{1}{4}) = 9.375 \text{ hours (Hourly equivalent annual leave earnings of a full-time employee)}$$

$$(c.) (60\%) \times (9.375 \text{ hours}) = 5.625 \text{ hours (Number hours of annual leave earned by an employee per month)}$$

$$(d.) (5.625 \text{ hours}) \times (12 \text{ months}) = 67.500 \text{ hours (Number hours of annual leave earned by an employee per year)}$$

$$(e.) (67.500 \text{ hours}) \times (2) = 135.000 \text{ hours (The maximum number hours of annual leave that an employee may earn or use in any single calendar year)}$$

$$(f.) (67.500 \text{ hours}) \times (3) = 202.500 \text{ hours (The maximum number hours of annual leave that an employee may carry over from one calendar year to the next)}$$

(11.) Part-time ($\frac{1}{2}$), 48 hour workweek, 8 hour workday, 6 days per workweek.

$$(a.) \frac{24.000 \text{ hours}}{40.000 \text{ hours}} = 60\% \text{ (\% of full-time five (5) day workweek that the employee works)}$$

$$(b.) (8.000 \text{ hours}) \times (1\frac{1}{4}) = 10.000 \text{ hours (Hourly equivalent annual leave earnings of a full-time employee)}$$

$$(c.) (60\%) \times (10.000 \text{ hours}) = 6.000 \text{ hours (Number hours of annual leave earned by an employee per month)}$$

$$(d.) (6.000 \text{ hours}) \times (12 \text{ months}) = 72.000 \text{ hours (Number hours of annual leave earned by an employee per year)}$$

$$(e.) (72.000 \text{ hours}) \times (2) = 144.000 \text{ hours (The maximum number hours of annual leave that an employee may earn or use in any single calendar year)}$$

$$(f.) (72.000 \text{ hours}) \times (3) = 216.000 \text{ hours (The maximum number hours of annual leave that an employee may carry over from one calendar year to the next)}$$

(12.) Part-time ($\frac{1}{2}$), 54 hour workweek, 9 hour workday, 6 days per workweek.

$$(a.) \frac{27.000 \text{ hours}}{45.000 \text{ hours}} = 60\% \text{ (\% of full-time five (5) day workweek that the employee works)}$$

$$(b.) (9.000 \text{ hours}) \times (1\frac{1}{4}) = 11.250 \text{ hours (Hourly equivalent annual leave earnings of a full-time employee)}$$

$$(c.) (60\%) \times (11.250 \text{ hours}) = 6.750 \text{ hours (Number hours of annual leave earned by an employee per month)}$$

$$(d.) (6.750 \text{ hours}) \times (12 \text{ months}) = 81.000 \text{ hours (Number hours of annual leave earned by an employee per year)}$$

$$(e.) (81.000 \text{ hours}) \times (2) = 162.000 \text{ hours (The maximum number hours of annual leave that an employee may earn or use in any single calendar year)}$$

$$(f.) (81.000 \text{ hours}) \times (3) = 243.000 \text{ hours (The maximum number hours of annual leave that an employee may carry over from one calendar year to the next)}$$

(R1531, S426)

**An Act To Provide Annual Leave For State Employees; And
To Repeal Acts Nos. 691 And 883 Of 1962, Relating Thereto.**

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. This act shall apply to all State agencies, departments and institutions and shall be administered by each such agency, department, and institution under such regulations as may be adopted by the State Budget and Control Board to carry out the provisions of this act. The personnel records of all agencies, departments and institutions coming under the provisions of this act shall be subject to audit.

SECTION 2. Any full-time or permanent State employee shall be entitled to annual leave with pay which shall be computed as follows:

For the first ten years of State service, he shall earn one and one-fourth working day's leave for each month of full-time employment per year. Thereafter, he shall earn an additional one and one-fourth working day's annual leave for each year of continuous service, not to exceed thirty days. No employee shall be required to use all his annual leave in any one year. Any unused annual leave may be accumulated, not to exceed forty-five days. *Provided, however,* that any employee of a State department having an existing merit system who as of the effective date of this act has accumulated annual leave in excess of forty-five days may carry over and retain such excess leave which shall be the maximum amount the employee may carry over into future years. If the employee subsequently reduces the amount of such leave carried over, the reduced amount, if in excess of forty-five days, shall become the employee's maximum carry-over into future years. If the employee further reduces the amount of such leave carried over to forty-five days or less, forty-five days shall become the maximum amount of unused annual leave the employee may thereafter accumulate. It shall be at the discretion of the department heads to determine the maximum number of consecutive days any employee may have in any one period of leave.

SECTION 3. Upon termination from State employment, an employee may take both annual leave and a lump sum payment for unused leave, but in no event shall such combination exceed forty-five days except as provided for in Section 2. If an employee dies, his legal representative shall be entitled to a lump sum payment for his unused leave, not to exceed forty-five days, except as provided for in Section 2.

SECTION 4. No department head shall hire additional employees to replace employees on annual leave, but vacancies may be filled immediately for persons whose services have been terminated.

SECTION 5. All employees of the State as of the effective date of this act shall receive full credit for employment prior to such date. In the event an employee transfers from one State agency to another, his annual leave balance shall also be transferred.

SECTION 6. Leave, as authorized by this act, shall be based upon a five-day work week with office hours from 8:30 a.m. until 5:00 p.m., Monday through Friday, except where services are maintained seven days a week; *provided, however*, these provisions shall not apply to teaching personnel and officials of academic rank at state-supported institutions of higher learning. The State Budget and Control Board, through the State Personnel Division, may establish, by appropriate regulation, procedures for the equitable calculation of leave for those employees who work a different number of days, including permanent part-time employees.

SECTION 7. Credit for service shall not be granted for any break in service, nor for any authorized leave without pay.

SECTION 8. Acts Nos. 691 and 883 of 1962 are repealed.

SECTION 9. This act shall take effect upon approval by the Governor.

In the Senate House the 1st day of June

In the Year of Our Lord One Thousand Nine Hundred and Seventy-Two.

EARLE E. MORRIS, JR.,
President of the Senate.

SOLOMON BLATT,
Speaker of the House of Representatives.

Approved the 2nd day of June, 1972.

JOHN C. WEST,
Governor.

Printer's No. 215—S.

(R1550, S353)

An Act To Authorize Maternity Leave For State Employees.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. All permanent full-time and permanent part-time State employees who work at least twenty hours per week, (but not including teachers, faculty, and officials of academic rank) shall be entitled to maternity leave without pay after the completion of one year of service. Such leave shall be for a period of up to six months, but may be extended for not more than an additional six months by the employee's appointing authority with the approval of the State Budget and Control Board. Credit for continuous State service shall be given to permanent State employees hired prior to the effective date of this act.

SECTION 2. Employees of State agencies, departments, commissions, boards, divisions, councils, authorities, bureaus, committees, offices and educational institutions are deemed to be State employees for the purposes of this act.

SECTION 3. An employee seeking the benefit hereof shall report the existence of pregnancy as soon as such condition is confirmed, and in no event later than the fourth month thereof. An employee on maternity leave is obligated to return to duty no later than the expiration of such leave or authorized extension thereof; failure to return shall constitute a resignation of employment.

SECTION 4. At the expiration of a period of maternity leave, the appointing authority shall reinstate the employee to the same position or one of equal status and pay, if possible. Temporary appointments may be made to fill positions during periods of maternity leave. A permanent replacement may be made with the approval of the State Budget and Control Board, but the employee on leave shall be notified in advance in writing that reinstatement will be made to a position of equal status and pay if such is possible.

SECTION 5. An employee may exhaust accumulated annual leave not to exceed thirty days before entering upon a period of maternity leave without pay, or may receive payment for such accumulated annual leave as of the effective date of maternity leave.

SECTION 6. An employee placed on maternity leave without pay shall not lose accumulated sick leave and time in grade toward merit salary increases as accrued up to beginning date of the leave leave.

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and

STATE OF SOUTH CAROLINA
PERSONNEL DIVISION

F. E. ELLIS
STATE DIRECTOR



TELEPHONE
(803) 758-3334

700 KNOX ABBOTT DRIVE
CAYCE, SOUTH CAROLINA 29033

October 10, 1972

TO: MEMBERS, BUDGET AND CONTROL BOARD

Our correspondence of September 12, 1972, transmitted to you our proposed guidelines on annual leave for your review and consideration. Since that time, we have amended the proposed guidelines to eliminate the twelve (12) months limit on breaks in service. This limit was intended to put a ceiling on the length of a break in service, beyond which time all previous periods of State service would not be credited in determining an employee's total length of service. In examining the statute more closely, it appears that the intent of the Legislature was to give credit for all prior service before and after the effective date of the law regardless of the length of any break in service.

Yours truly,

A handwritten signature in cursive script, appearing to read "F. E. Ellis".

F. E. Ellis
State Director of Personnel

FEE: jfs

enclosures

cc: The Honorable P. C. Smith
Secretary, Budget and Control Board

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CORRECTION

(R1550, S358)

An Act To Authorize Maternity Leave For State Employees.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. All permanent full-time and permanent part-time State employees who work at least twenty hours per week, (but not including teachers, faculty, and officials of academic rank) shall be entitled to maternity leave without pay after the completion of one year of service. Such leave shall be for a period of up to six months, but may be extended for not more than an additional six months by the employer's appointing authority with the approval of the State Budget and Control Board. Credit for continuous State service shall be given to permanent State employees hired prior to the effective date of this act.

SECTION 2. Employees of State agencies, departments, commissions, boards, divisions, councils, authorities, bureaus, committees, offices and educational institutions are deemed to be State employees for the purposes of this act.

SECTION 3. An employee seeking the benefit hereof shall report the existence of pregnancy as soon as such condition is confirmed, and in no event later than the fourth month thereof. An employee on maternity leave is obligated to return to duty no later than the expiration of such leave or authorized extension thereof; failure to return shall constitute a resignation of employment.

SECTION 4. At the expiration of a period of maternity leave, the appointing authority shall reinstate the employee to the same position or one of equal status and pay, if possible. Temporary appointments may be made to fill positions during periods of maternity leave. A permanent replacement may be made with the approval of the State Budget and Control Board, but the employee on leave shall be notified in advance in writing that reinstatement will be made to a position of equal status and pay if such is possible.

SECTION 5. An employee may exhaust accumulated annual leave not to exceed thirty days before entering upon a period of maternity leave without pay, or may receive payment for such accumulated annual leave as of the effective date of maternity leave.

SECTION 6. An employee placed on maternity leave without pay shall not lose accumulated sick leave and time in grade and merit salary increases as accrued up to beginning date of the leave leave.

ever, no leave or pay benefits may be earned during such period of maternity leave.

SECTION 7. The State Budget and Control Board, through the Division of Personnel, may promulgate such rules and regulations in accordance with law as may be necessary to administer the provisions hereof, including the power to define the use of sick leave prior to the maternity leave without pay period.

SECTION 8. This act shall take effect upon approval by the Governor.

In the Senate House the 7th day of June

In the Year of Our Lord One Thousand Nine Hundred and Seventy-Two.

EARLE E. MORRIS, JR.,
President of the Senate.

SOLOMON BLATT,
Speaker of the House of Representatives.

Approved the 12th day of June, 1972.

JOHN C. WEST,
Governor.

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Mand...*

STATE OF SOUTH CAROLINA
PERSONNEL DIVISION

F. E. ELLIS
STATE DIRECTOR



TELEPHONE
(803) 758-3334

700 KNOX ABBOTT DRIVE
CAYCE, SOUTH CAROLINA 29033

October 10, 1972

TO: MEMBERS, BUDGET AND CONTROL BOARD

Our correspondence of September 12, 1972, transmitted to you our proposed guidelines on annual leave for your review and consideration. Since that time, we have amended the proposed guidelines to eliminate the twelve (12) months limit on breaks in service. This limit was intended to put a ceiling on the length of a break in service, beyond which time all previous periods of State service would not be credited in determining an employee's total length of service. In examining the statute more closely, it appears that the intent of the Legislature was to give credit for all prior service before and after the effective date of the law regardless of the length of any break in service.

Yours truly,

A handwritten signature in cursive script, appearing to read "F. E. Ellis".

F. E. Ellis
State Director of Personnel

FEE:jfs

enclosures

cc: The Honorable P. C. Smith
Secretary, Budget and Control Board

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STATE OF SOUTH CAROLINA
PERSONNEL DIVISION

F. E. ELLIS
STATE DIRECTOR



TELEPHONE
(803) 753-2334

700 KNOX ABBOTT DRIVE
CAYCE, SOUTH CAROLINA 29033

September 12, 1972

TO: MEMBERS, BUDGET AND CONTROL BOARD

Enclosed for your review and consideration is a copy of the guidelines which we would propose to issue to all State agencies in the name of the Budget and Control Board for administering the recently enacted Annual Leave Law. These guidelines have been reviewed in detail with the Attorney General. It is his opinion that the statements as drafted could not properly be used as official regulations since they go beyond the language of the Act in providing interpretations and procedures based upon administrative constructions of the law, but he agrees that they could be used as "guidelines". This is a practice followed commonly by the U. S. Department of Labor, the EEOC and other Federal agencies in administering the Fair Labor Standards Act, the Civil Rights Act, etc. In the case of the Maternity Leave Law, it is the opinion of the Attorney General that interpretive guidelines will not be necessary due to the specific wording of the Law, and that we need issue only a copy of the enacted statute.

The barrage of inquiries from State agency officials and individual employees concerning the application of the new Annual Leave and Maternity Leave Laws, and the repeated requests for the dissemination of guidelines and instructions dictate a high priority to releasing these materials. The statements in our guidelines have been drafted and edited with great care with a view to assuring fair and equitable treatment to all employees within the provisions of the Law, providing administrators with clear, understandable definitions, rules and instructions, and safeguarding the fiscal responsibility of the State.

With the approval of the Board, we would propose to re-produce these materials in quantity and release copies to each of the departments, agencies, commissions, etc., of the State on or before September 20, 1972. Please let me know as soon as possible if you have any significant reservations or wish some particular explanations.

Thank you for your continuing assistance.

Yours truly,

F. E. Ellis
State Director of Personnel

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SECTION 1

ANNUAL LEAVE GUIDELINES

The June 2, 1972, Annual Leave Act for State employees establishes a standard annual leave earning rate that shall apply to all State employees except teaching personnel and officials of academic rank at State-supported institutions of higher learning.

Section 1-1. DEFINITIONS

For the purpose of these guidelines, the following definitions apply:

- (a) Agency: an instrumentality of State government, such as, but not limited to, the following: Authority, Board, Bureau, Commission, Committee, Council, Department, Division, or Institution of Higher Learning.
- (b) Permanent full-time employee: one who has completed six (6) months of satisfactory service; one who is scheduled to work the agency's official workweek (but in no event less than 37.5 hours per workweek); and who is not a temporary or student employee.
- (c) Permanent part-time employee: one who has completed six (6) months of satisfactory service; who is scheduled to work no less than one-half ($\frac{1}{2}$) the workweek of a full-time employee of that agency; or who is scheduled to work the full-time schedule per workweek for not less than six (6) calendar months per year; and who is not a temporary or student employee.
- (d) Day: the total hours in a workday that an employee is regularly scheduled to work.
- (e) Year: calendar year, from January 1 through December 31.

Section 1-2. ELIGIBILITY

Annual leave shall be accrued by and granted to:

- (a) permanent full-time employees, and
- (b) permanent part-time employees,

in accordance with the definitions and in the amounts as prescribed herein.

Section 1-3. ANNUAL LEAVE RECORD

A leave record shall be maintained by the employing agency for each employee covered under the provisions of the Act, which shall be subject to audit by the State Budget and Control Board. Such record shall:

- be balanced no less frequently than once each calendar year,
- indicate the number of leave days earned during the current calendar year,
- indicate the number of leave days used during the current calendar year,
- indicate the number of days carried forward from the previous calendar year, but not exceeding the maximum accrual authorized,
- include any other information the agency may require, and
- be subject to inspection by the employee no less than once per calendar year, should the employee so request.

Section 1-4. ANNUAL LEAVE EARNINGS

A. FULL-TIME EMPLOYEES

1. FIVE (5) DAYS PER WORKWEEK SCHEDULE

(a) Service of less than six (6) months

Full-time employees with less than six (6) months service do not accrue annual leave.

(b) Service of ten (10) years or less

Full-time employees, upon the completion of their first six (6) months of service, on five (5) days per workweek schedule with State service of less than ten (10) years, shall earn annual leave dating from date of employment at the rate of one and one-fourth ($1\frac{1}{4}$) working days per full month of service in each calendar year.

(c) Service of more than ten (10) years

Full-time employees on a five (5) days per workweek schedule with State service of more than ten (10) years, shall earn annual leave at the rate of:

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1. one and one-fourth ($1\frac{1}{4}$) working days per full month of service in each calendar year, plus
2. one and one-fourth ($1\frac{1}{4}$) working days for each year of continuous service in excess of ten (10) years,

except that the maximum number of working days of annual leave that may be accrued in any one year shall not exceed thirty (30).

2. WORKWEEK SCHEDULES OF MORE THAN FIVE (5) DAYS

Full-time employees on regularly scheduled workweeks of more than five (5) days shall earn annual leave at rates that produce the equivalent earnings of the employees on a five (5) days per workweek schedule: For example:

(a) Five and one-half ($5\frac{1}{2}$) days per workweek schedule

During the first ten (10) years of service, the earnings rate for employees on a five and one-half ($5\frac{1}{2}$) days per workweek schedule shall be 1.375 working days per month per calendar year. In addition, employees after ten (10) years of service shall earn 1.375 working days of leave for each year of continuous service, except that the maximum number of working days that may be earned in any one year shall not exceed thirty-three (33).

(b) Six (6) days per workweek schedule

During the first ten (10) years of service, the earnings rate for employees on a six (6) days per workweek schedule shall be 1.5 working days per month per calendar year. In addition, employees after ten (10) years of service shall earn 1.5 working days of leave for each year of continuous service, except that the maximum number of working days that may be earned in any one year shall not exceed thirty-six (36).

B. PART-TIME EMPLOYEES

1. Service of less than six (6) months

Part-time employees with less than six (6) months of service do not accrue annual leave.

2. Service of more than six (6) months

Part-time employees, upon the completion of their first six (6) months of service, shall earn annual leave dating from date of employment on a pro-rata basis that produces the equivalent earnings of the employees on a five (5) days per workweek schedule. (See Section 1-1. DEFINITIONS, Item (c), Permanent Part-time Employee)

Section 1-5. MAXIMUM ACCUMULATION

A. FULL-TIME EMPLOYEES

1. Five (5) days per workweek schedule

Full-time employees on a five (5) days per workweek schedule shall be permitted to carry over from one calendar year to the next any unused earned annual leave up to a total accumulation of forty-five (45) days; EXCEPT THAT, employees of a merit system agency that previously provided for a maximum accumulation in excess of forty-five (45) days and who had been credited with a maximum accumulation in excess of forty-five (45) days as of June 2, 1972, shall not forfeit the excess, but shall retain such excess leave which shall be the maximum amount the employee may carry over into future years. If the employee subsequently reduces the amount of such leave carried over, the reduced amount, if in excess of forty-five (45) days, shall become the employee's maximum carry over into future years. If the employee further reduces the amount of such leave carried over to forty-five (45) days or less, forty-five (45) days shall become the maximum amount of unused annual leave the employee may thereafter accumulate.

2. Workweek schedules of more than five (5) days

Full-time employees on regularly scheduled workweeks of more than five (5) days shall be permitted to carry over from one calendar year to the next any unused earned annual leave up to a total accumulation that is equivalent to the maximum accumulation of forty-five (45) days for employees on a five (5) days per workweek schedule. For example:

(a) Five and one-half (5½) days per workweek schedule

The maximum accumulated annual leave for employees regularly scheduled to work five and one-half (5½) days per workweek shall be forty-nine and one-half (49½) working days.

(b) Six (6) days per workweek schedule

The maximum accumulated annual leave for employees regularly scheduled to work six (6) days per workweek shall be fifty-four (54) working days.

B. PERMANENT PART-TIME EMPLOYEES

Permanent part-time employees shall be permitted to carry over from one calendar year to the next any unused earned annual leave up to a total accumulation that, on a pro-rata basis, produces the equivalent maximum accumulation of the employees on a five (5) days per workweek schedule.

Section 1-6. EARNED LEAVE IN EXCESS OF MAXIMUM ACCUMULATION

All eligible employees shall be entitled to bring into any calendar year the maximum accumulation as authorized in Section 1-5. Any eligible employee that does bring the maximum accumulation into a calendar year shall also be entitled to earn and use annual leave up to a maximum as authorized in Section 1-7 (A) during that calendar year. However, only the maximum accumulation as authorized in Section 1-5 may be carried over into the next calendar year.

Section 1-7. USING AND SCHEDULING LEAVE

A. MAXIMUM DAYS USED PER YEAR

The maximum number of earned or accumulated working days of annual leave that may be used in any one calendar year shall not exceed:

1. For employees on a five (5) days per workweek schedule - thirty (30) working days,
2. For employees on regularly scheduled workweeks of more than five (5) days - a total number of working days that are equivalent to thirty (30) working days for a five (5) days per workweek schedule, or
3. For employees on a part-time schedule - the pro-rata portion of the thirty (30) working days maximum that is applicable to employees on a five (5) days per workweek schedule.

B. SCHEDULING LEAVE

To the degree possible, employees' requests for specific periods of annual leave shall be honored. However, considerations of workloads, work distribution, and similar factors may necessitate changes. Approval of the appointing authority is required for:

1. the specific periods that employees shall be on annual leave, and
2. the length of any annual leave, i.e., the number of consecutive working days in any one leave period.

C. UNITS OF ANNUAL LEAVE

The appointing authority shall establish policies on the using and scheduling of annual leave but in no event shall leave be used and charged in units of less than one (1) hour.

D. HOLIDAY DURING LEAVE

A holiday observed by the employing agency while an employee is on a period of annual leave that falls on a day that the employee would otherwise have scheduled to work shall not be charged as a day of annual leave.

Section 1-8. LEAVE COMPUTATION

For ease of administration, records on leave earned, leave taken, and leave accumulated should be converted to the hourly equivalent. By so doing, varied work schedules can be readily equated to the base of a five (5) day workweek schedule.

Section 1-9. CREDITED SERVICE

A. EMPLOYEES HIRED PRIOR TO JUNE 2, 1972

Employees as of June 2, 1972, shall carry forward all service as a State employee prior to June 2, 1972, for purposes of determining annual leave earnings.

B. CUMULATIVE SERVICE

Subsequent to June 2, 1972, employees who terminate employment with the State and who are rehired shall be given credit for the period of service prior to termination but shall not be given service credit for the period between termination and reemployment. (No prior leave accrual shall be reinstated.)

C. LEAVES WITHOUT PAY AND EDUCATIONAL LEAVES

Periods of authorized leave without pay of over five (5) working days in any one pay period and periods of educational leave shall not be credited as service for determining annual leave earnings.

D. ANNIVERSARY DATE

Employees' anniversary dates shall be adjusted for the total length of periods of authorized leave without pay of over five (5) working days in any one pay period, periods of educational leave, and for periods of breaks in service as defined above.

E. CREDITING LEAVE FOR SERVICE OF OVER TEN (10) YEARS

The additional leave earnings based upon service of over ten (10) years shall be granted to employees each calendar year on their adjusted anniversary dates.

Section 1-10. TRANSFER

Employees who transfer from one State agency to another shall transfer their accumulated unused leave up to that total amount authorized adjusted to the scheduled workweek of the gaining agency.

In the case of an employee transferring from a merit system agency who has a maximum accumulation in excess of that currently authorized by the gaining agency, the excess shall be paid in lump sum to the employee by the losing agency at the time of transfer.

An employee's transfer from one State agency to another shall not constitute a break-in-service.

Section 1-11. HIRING ADDITIONAL EMPLOYEES

Additional employees shall not be hired to replace employees on annual leave. When a vacancy occurs due to termination of employment, a replacement may be employed.

Section 1-12. TERMINATION OF EMPLOYMENT

Upon termination of employment with the State, employees shall be paid in lump sum for the authorized unused annual leave earnings accumulated to their credit, except that:

1. the total number of working days used by an employee in that calendar year, plus

2. the total number of working days paid in lump sum to such employee,

shall not exceed the maximum allowable number of working days accumulation as defined in Section 1-5.

No additional annual leave earnings apply during the period represented by the lump sum payment and service credits are not given for such period.

Section 1-13. PAYMENT UPON DEATH OF EMPLOYEES

Upon the death of an employee while in active service, the legal representative shall be entitled to payment in lump sum for the authorized unused annual leave earnings accumulated to his or her credit up to the date of death, except that:

1. the total number of working days used by the employee in that calendar year, plus
2. the total number of working days paid in lump sum to the employee's legal representative,

shall not exceed the maximum allowable number of working days accumulation as defined in Section 1-5.

Section 1-14. QUESTIONS AND PROBLEMS

State agencies that have problems regarding the administration of annual leave or questions about the policies herein are to contact the State Personnel Division for assistance. As needed, interpretive memoranda shall be issued by the State Personnel Division to clarify intent or to give examples that will be helpful in carrying out the provisions of the Annual Leave Act.

ANNUAL LEAVE COMPUTATION PROCEDURE

- A. $\frac{\text{Number of hours in an employee's workweek}}{\text{Number of hours in the employing agency's full-time five (5) day workweek}} = \text{Percent (\%) of full-time five (5) day workweek that the employee works}$
- B. $(\text{Number of hours in a full-time employee's workday}) \times (1\frac{1}{4}) = \text{Hourly equivalent annual leave earnings of a full-time employee}$
- C. $(\% \text{ of full-time five (5) day workweek the employee works}) \times (\text{Hourly equivalent annual leave earnings of a full-time employee}) = \text{Number hours of annual leave earned by an employee per month*}$

* The number hours of annual leave earned by an employee per month also represents the same number hours of additional annual leave earnings that shall be credited to an employee for each year of continuous State service in excess of ten (10) years.

- D. $(\text{Number hours of annual leave earned by an employee per month}) \times (12 \text{ months}) = \text{Number hours of annual leave earned by an employee per year}$
- E. $(\text{Number hours of annual leave earned by an employee per year}) \times (2)** = \text{The maximum number hours of annual leave that an employee may earn or use in any single calendar year}$

** Twice the hourly earnings per year.

- F. $(\text{Number hours of annual leave earned by an employee per year}) \times (3)*** = \text{The maximum number hours of annual leave that an employee may carry over from one calendar year to the next}$

*** Three times the hourly earnings per year.

ANNUAL LEAVE EARNINGS

EXAMPLES

(1.) Full-time, $37\frac{1}{2}$ hour workweek, $7\frac{1}{2}$ hour workday, 5 days per workweek.

$$(a.) \frac{37.500 \text{ hours}}{37.500 \text{ hours}} = 100\% \text{ (\% of full-time five (5) day workweek that the employee works)}$$

$$(b.) (7.500 \text{ hours}) \times (1\frac{1}{4}) = 9.375 \text{ hours (Hourly equivalent annual leave earnings of a full-time employee)}$$

$$(c.) (100\%) \times (9.375 \text{ hours}) = 9.375 \text{ hours (Number hours of annual leave earned by an employee per month)}$$

$$(d.) (9.375 \text{ hours}) \times (12 \text{ months}) = 112.500 \text{ hours (Number hours of annual leave earned by an employee per year)}$$

$$(e.) (112.500 \text{ hours}) \times (2) = 225.000 \text{ hours (The maximum number hours of annual leave that an employee may earn or use in any single calendar year)}$$

$$(f.) (112.500 \text{ hours}) \times (3) = 337.500 \text{ hours (The maximum number hours of annual leave that an employee may carry over from one calendar year to the next)}$$

(2.) Full-time, 40 hour workweek, 8 hour workday, 5 days per workweek.

$$(a.) \frac{40.000 \text{ hours}}{40.000 \text{ hours}} = 100\% \text{ (\% of full-time five (5) day workweek that the employee works)}$$

$$(b.) (8.000 \text{ hours}) \times (1\frac{1}{4}) = 10.000 \text{ hours (Hourly equivalent annual leave earnings of a full-time employee)}$$

$$(c.) (100\%) \times (10.000 \text{ hours}) = 10.000 \text{ hours (Number hours of annual leave earned by an employee per month)}$$

$$(d.) (10.000 \text{ hours}) \times (12 \text{ months}) = 120.000 \text{ hours (Number hours of annual leave earned by an employee per year)}$$

$$(e.) (120.000 \text{ hours}) \times (2) = 240.000 \text{ hours (The maximum number of hours of annual leave that an employee may earn or use in any single calendar year)}$$

$$(f.) (120.000 \text{ hours}) \times (3) = 360.000 \text{ hours (The maximum number hours of annual leave that an employee may carry over from one calendar year to the next)}$$

(3.) Full-time, 45 hour workweek, 9 hour workday, 5 days per workweek.

(a.) $\frac{45.000 \text{ hours}}{45.000 \text{ hours}} = 100\%$ (% of full-time five (5) day workweek that the employee works)

(b.) $(9.000 \text{ hours}) \times (1\frac{1}{4}) = 11.250 \text{ hours}$ (Hourly equivalent annual leave earnings of a full-time employee)

(c.) $(100\%) \times (11.250 \text{ hours}) = 11.250 \text{ hours}$ (Number hours of annual leave earned by an employee per month)

(d.) $(11.250 \text{ hours}) \times (12 \text{ months}) = 135.000 \text{ hours}$ (Number hours annual leave earned by an employee per year)

(e.) $(135.000 \text{ hours}) \times (2) = 270.000 \text{ hours}$ (The maximum number hours of annual leave that an employee may earn or use in any single calendar year)

(f.) $(135.000 \text{ hours}) \times (3) = 405.000 \text{ hours}$ (The maximum number hours of annual leave that an employee may carry over from one calendar year to the next)

(4.) Part-time ($\frac{1}{2}$), $37\frac{1}{2}$ hour workweek, $7\frac{1}{2}$ hour workday, 5 days per workweek.

(a.) $\frac{18.750 \text{ hours}}{37.500 \text{ hours}} = 50\%$ (% of full-time five (5) day workweek that the employee works)

(b.) $(7.500 \text{ hours}) \times (1\frac{1}{4}) = 9.375 \text{ hours}$ (Hourly equivalent annual leave earnings of a full-time employee)

(c.) $(50\%) \times (9.375 \text{ hours}) = 4.6875 \text{ hours}$ (Number hours of annual leave earned by an employee per month)

(d.) $(4.6875 \text{ hours}) \times (12 \text{ months}) = 56.250 \text{ hours}$ (Number hours annual leave earned by an employee per year)

(e.) $(56.250 \text{ hours}) \times (2) = 112.500 \text{ hours}$ (The maximum number hours of annual leave that an employee may earn or use in any single calendar year)

(f.) $(56.250 \text{ hours}) \times (3) = 168.750 \text{ hours}$ (The maximum number hours of annual leave that an employee may carry over from one calendar year to the next)

(5.) Part-time ($\frac{1}{2}$), 40 hour workweek, 8 hour workday, 5 days per workweek.

$$(a.) \frac{20.000 \text{ hours}}{40.000 \text{ hours}} = 50\% \text{ (\% of full-time five (5) day workweek that the employee works)}$$

$$(b.) (8.000 \text{ hours}) \times (1\frac{1}{4}) = 10.000 \text{ hours (Hourly equivalent annual leave earnings of a full-time employee)}$$

$$(c.) (50\%) \times (10.000 \text{ hours}) = 5.000 \text{ hours (Number hours of annual leave earned by an employee per month)}$$

$$(d.) (5.000 \text{ hours}) \times (12 \text{ months}) = 60.000 \text{ hours (Number hours of annual leave earned by an employee per year)}$$

$$(e.) (60.000 \text{ hours}) \times (2) = 120.000 \text{ hours (The maximum number hours of annual leave that an employee may earn or use in any single calendar year)}$$

$$(f.) (60.000 \text{ hours}) \times (3) = 180.000 \text{ hours (The maximum number hours of annual leave that an employee may carry over from one calendar year to the next)}$$

(6.) Part-time ($\frac{1}{2}$), 45 hour workweek, 9 hour workday, 5 days per workweek.

$$(a.) \frac{22.500 \text{ hours}}{45.000 \text{ hours}} = 50\% \text{ (\% of full-time five (5) day workweek that the employee works)}$$

$$(b.) (9.000 \text{ hours}) \times (1\frac{1}{4}) = 11.250 \text{ hours (Hourly equivalent annual leave earnings of a full-time employee)}$$

$$(c.) (50\%) \times (11.250 \text{ hours}) = 5.625 \text{ hours (Number hours annual leave earned by an employee per month)}$$

$$(d.) (5.625 \text{ hours}) \times (12 \text{ months}) = 67.500 \text{ hours (Number hours of annual leave earned by an employee per year)}$$

$$(e.) (67.500 \text{ hours}) \times (2) = 135.000 \text{ hours (The maximum number hours of annual leave that an employee may earn or use in any single calendar year)}$$

$$(f.) (67.500 \text{ hours}) \times (3) = 202.500 \text{ hours (The maximum number hours of annual leave that an employee may carry over from one calendar year to the next)}$$

(7.) Full-time, 45 hour workweek, 7½ hour workday, 6 days per workweek.

$$(a.) \frac{45.000 \text{ hours}}{37.500 \text{ hours}} = 120\% \text{ (\% of full-time five (5) day workweek that the employee works)}$$

$$(b.) (7.500 \text{ hours}) \times (1\frac{1}{4}) = 9.375 \text{ hours (Hourly equivalent annual leave earnings of a full-time employee)}$$

$$(c.) (120\%) \times (9.375 \text{ hours}) = 11.250 \text{ hours (Number hours of annual leave earned by an employee per month)}$$

$$(d.) (11.250 \text{ hours}) \times (12 \text{ months}) = 135.000 \text{ hours (Number hours of annual leave earned by an employee per year)}$$

$$(e.) (135.000 \text{ hours}) \times (2) = 270.000 \text{ hours (The maximum number hours of annual leave that an employee may earn or use in any single calendar year)}$$

$$(f.) (135.000 \text{ hours}) \times (3) = 405.000 \text{ hours (The maximum number hours of annual leave that an employee may carry over from one calendar year to the next)}$$

(8.) Full-time, 48 hour workweek, 8 hour workday, 6 days per workweek.

$$(a.) \frac{48.000 \text{ hours}}{40.000 \text{ hours}} = 120\% \text{ (\% of full-time five (5) day workweek that the employee works)}$$

$$(b.) (8.000 \text{ hours}) \times (1\frac{1}{4}) = 10.000 \text{ hours (Hourly equivalent annual leave earnings of a full-time employee)}$$

$$(c.) (120\%) \times (10.000 \text{ hours}) = 12.000 \text{ hours (Number hours of annual leave earned by an employee per month)}$$

$$(d.) (12.000 \text{ hours}) \times (12 \text{ months}) = 144.000 \text{ hours (Number hours of annual leave earned by an employee per year)}$$

$$(e.) (144.000 \text{ hours}) \times (2) = 288.000 \text{ hours (The maximum number hours of annual leave that an employee may earn or use in any single calendar year)}$$

$$(f.) (144.000 \text{ hours}) \times (3) = 432.000 \text{ hours (The maximum number hours of annual leave that an employee may carry over from one calendar year to the next)}$$

(9.) Full-time, 54 hour workweek, 9 hour workday, 6 days per workweek.

$$(a.) \frac{54.000 \text{ hours}}{45.000 \text{ hours}} = 120\% \text{ (\% of full-time five (5) day workweek that the employee works)}$$

$$(b.) (9.000 \text{ hours}) \times (1\frac{1}{4}) = 11.250 \text{ hours (Hourly equivalent annual leave earnings of a full-time employee)}$$

$$(c.) (120\%) \times (11.250 \text{ hours}) = 13.500 \text{ hours (Number hours of annual leave earned by an employee per month)}$$

$$(d.) (13.500 \text{ hours}) \times (12 \text{ months}) = 162.000 \text{ hours (Number hours of annual leave earned by an employee per year)}$$

$$(e.) (162.000 \text{ hours}) \times (2) = 324.000 \text{ hours (The maximum number hours of annual leave than an employee may earn or use in any single calendar year)}$$

$$(f.) (162.000 \text{ hours}) \times (3) = 486.000 \text{ hours (The maximum number hours of annual leave that an employee may carry over from one calendar year to the next)}$$

(10.) Part-time ($\frac{1}{2}$), 45 hour workweek, $7\frac{1}{2}$ hour workday, 6 days per workweek.

$$(a.) \frac{22.500 \text{ hours}}{37.500 \text{ hours}} = 60\% \text{ (\% of full-time five (5) day workweek that the employee works)}$$

$$(b.) (7.500 \text{ hours}) \times (1\frac{1}{4}) = 9.375 \text{ hours (Hourly equivalent annual leave earnings of a full-time employee)}$$

$$(c.) (60\%) \times (9.375 \text{ hours}) = 5.625 \text{ hours (Number hours of annual leave earned by an employee per month)}$$

$$(d.) (5.625 \text{ hours}) \times (12 \text{ months}) = 67.500 \text{ hours (Number hours of annual leave earned by an employee per year)}$$

$$(e.) (67.500 \text{ hours}) \times (2) = 135.000 \text{ hours (The maximum number hours of annual leave that an employee may earn or use in any single calendar year)}$$

$$(f.) (67.500 \text{ hours}) \times (3) = 202.500 \text{ hours (The maximum number hours of annual leave that an employee may carry over from one calendar year to the next)}$$

(11.) Part-time ($\frac{1}{2}$), 48 hour workweek, 8 hour workday, 6 days per workweek.

$$(a.) \frac{24.000 \text{ hours}}{40.000 \text{ hours}} = 60\% \text{ (\% of full-time five (5) day workweek that the employee works)}$$

$$(b.) (8.000 \text{ hours}) \times (1\frac{1}{4}) = 10.000 \text{ hours (Hourly equivalent annual leave earnings of a full-time employee)}$$

$$(c.) (60\%) \times (10.000 \text{ hours}) = 6.000 \text{ hours (Number hours of annual leave earned by an employee per month)}$$

$$(d.) (6.000 \text{ hours}) \times (12 \text{ months}) = 72.000 \text{ hours (Number hours of annual leave earned by an employee per year)}$$

$$(e.) (72.000 \text{ hours}) \times (2) = 144.000 \text{ hours (The maximum number hours of annual leave that an employee may earn or use in any single calendar year)}$$

$$(f.) (72.000 \text{ hours}) \times (3) = 216.000 \text{ hours (The maximum number hours of annual leave that an employee may carry over from one calendar year to the next)}$$

(12.) Part-time ($\frac{1}{2}$), 54 hour workweek, 9 hour workday, 6 days per workweek.

$$(a.) \frac{27.000 \text{ hours}}{45.000 \text{ hours}} = 60\% \text{ (\% of full-time five (5) day workweek that the employee works)}$$

$$(b.) (9.000 \text{ hours}) \times (1\frac{1}{4}) = 11.250 \text{ hours (Hourly equivalent annual leave earnings of a full-time employee)}$$

$$(c.) (60\%) \times (11.250 \text{ hours}) = 6.750 \text{ hours (Number hours of annual leave earned by an employee per month)}$$

$$(d.) (6.750 \text{ hours}) \times (12 \text{ months}) = 81.000 \text{ hours (Number hours of annual leave earned by an employee per year)}$$

$$(e.) (81.000 \text{ hours}) \times (2) = 162.000 \text{ hours (The maximum number hours of annual leave that an employee may earn or use in any single calendar year)}$$

$$(f.) (81.000 \text{ hours}) \times (3) = 243.000 \text{ hours (The maximum number hours of annual leave that an employee may carry over from one calendar year to the next)}$$

(R1531, S426)

**An Act To Provide Annual Leave For State Employees; And
To Repeal Acts Nos. 691 And 883 Of 1962, Relating Thereto.**

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. This act shall apply to all State agencies, departments and institutions and shall be administered by each such agency, department, and institution under such regulations as may be adopted by the State Budget and Control Board to carry out the provisions of this act. The personnel records of all agencies, departments and institutions coming under the provisions of this act shall be subject to audit.

SECTION 2. Any full-time or permanent State employee shall be entitled to annual leave with pay which shall be computed as follows:

For the first ten years of State service, he shall earn one and one-fourth working day's leave for each month of full-time employment per year. Thereafter, he shall earn an additional one and one-fourth working day's annual leave for each year of continuous service, not to exceed thirty days. No employee shall be required to use all his annual leave in any one year. Any unused annual leave may be accumulated, not to exceed forty-five days. *Provided, however,* that any employee of a State department having an existing merit system who as of the effective date of this act has accumulated annual leave in excess of forty-five days may carry over and retain such excess leave which shall be the maximum amount the employee may carry over into future years. If the employee subsequently reduces the amount of such leave carried over, the reduced amount, if in excess of forty-five days, shall become the employee's maximum carry-over into future years. If the employee further reduces the amount of such leave carried over to forty-five days or less, forty-five days shall become the maximum amount of unused annual leave the employee may thereafter accumulate. It shall be at the discretion of the department heads to determine the maximum number of consecutive days any employee may have in any one period of leave.

SECTION 3. Upon termination from State employment, an employee may take both annual leave and a lump sum payment for unused leave, but in no event shall such combination exceed forty-five days except as provided for in Section 2. If an employee dies, his legal representative shall be entitled to a lump sum payment for his unused leave, not to exceed forty-five days, except as provided for in Section 2.

SECTION 4. No department head shall hire additional employees to replace employees on annual leave, but vacancies may be filled immediately for persons whose services have been terminated.

SECTION 5. All employees of the State as of the effective date of this act shall receive full credit for employment prior to such date. In the event an employee transfers from one State agency to another, his annual leave balance shall also be transferred.

SECTION 6. Leave, as authorized by this act, shall be based upon a five-day work week with office hours from 8:30 a. m. until 5:00 p. m., Monday through Friday, except where services are maintained seven days a week; *provided, however*, these provisions shall not apply to teaching personnel and officials of academic rank at state-supported institutions of higher learning. The State Budget and Control Board, through the State Personnel Division, may establish, by appropriate regulation, procedures for the equitable calculation of leave for those employees who work a different number of days, including permanent part-time employees.

SECTION 7. Credit for service shall not be granted for any break in service, nor for any authorized leave without pay.

SECTION 8. Acts Nos. 691 and 883 of 1962 are repealed.

SECTION 9. This act shall take effect upon approval by the Governor.

In the Senate House the 1st day of June

In the Year of Our Lord One Thousand Nine Hundred and Seventy-Two.

EARLE E. MORRIS, JR.,
President of the Senate.

SOLOMON BLATT,
Speaker of the House of Representatives.

Approved the 2nd day of June, 1972.

JOHN C. WEST,
Governor.

(R1550, S358)

An Act To Authorize Maternity Leave For State Employees.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. All permanent full-time and permanent part-time State employees who work at least twenty hours per week, (but not including teachers, faculty, and officials of academic rank) shall be entitled to maternity leave without pay after the completion of one year of service. Such leave shall be for a period of up to six months, but may be extended for not more than an additional six months by the employee's appointing authority with the approval of the State Budget and Control Board. Credit for continuous State service shall be given to permanent State employees hired prior to the effective date of this act.

SECTION 2. Employees of State agencies, departments, commissions, boards, divisions, councils, authorities, bureaus, committees, offices and educational institutions are deemed to be State employees for the purposes of this act.

SECTION 3. An employee seeking the benefit hereof shall report the existence of pregnancy as soon as such condition is confirmed, and in no event later than the fourth month thereof. An employee on maternity leave is obligated to return to duty no later than the expiration of such leave or authorized extension thereof; failure to return shall constitute a resignation of employment.

SECTION 4. At the expiration of a period of maternity leave, the appointing authority shall reinstate the employee to the same position or one of equal status and pay, if possible. Temporary appointments may be made to fill positions during periods of maternity leave. A permanent replacement may be made with the approval of the State Budget and Control Board, but the employee on leave shall be notified in advance in writing that reinstatement will be made to a position of equal status and pay if such is possible.

SECTION 5. An employee may exhaust accumulated annual leave not to exceed thirty days before entering upon a period of maternity leave without pay, or may receive payment for such accumulated annual leave as of the effective date of maternity leave.

SECTION 6. An employee placed on maternity leave without pay shall not lose accumulated sick leave and time in grade and merit salary increases as accrued up to beginning date of the leave; however,

ever, no leave or pay benefits may be earned during such period of maternity leave.

SECTION 7. The State Budget and Control Board, through the Division of Personnel, may promulgate such rules and regulations in accordance with law as may be necessary to administer the provisions hereof, including the power to define the use of sick leave prior to the maternity leave without pay period.

SECTION 8. This act shall take effect upon approval by the Governor.

In the Senate House the 7th day of June

In the Year of Our Lord One Thousand Nine Hundred and Seventy-Two.

EARLE E. MORRIS, JR.,
President of the Senate.

SOLOMON BLATT,
Speaker of the House of Representatives.

Approved the 12th day of June, 1972.

JOHN C. WEST,
Governor.

EXHIBIT II
OCT. 10, 1972

VII. Acquisition of Cars

It is recommended that the Board approve acquisition of 1973 vehicles as shown below.

<u>Agency</u>	<u>Exchange</u>	<u>Purchase</u>
PRT	1969 Jeep wagon	1973 AMC Jeep
SLED	(39) 4 door sedans 1971 Olds 88	(39) 1973 4ds Olds and Buicks 1973 Olds 88 (10) 1973 2 door hardtops assigned to undercover narcotic agents
Department of Corrections	1970 Ford wagon w/135,000 Miles	1973 Ford wagon
General Services	(5) 1968, 1969, 1970 4ds	(5) 1973 4ds (12) 1973 sedans for motor pool assignment
SLED		1973 Ford 4dht to be assigned to two agents at Criminal Justice Acad.
Mental Health		1973 4ds assigned for primary use of Aftercare & Industrial Therapists
Wildlife Resources	1969 Ford Custom	1973 Ford Galaxie 1973 Ford 4ds (Motor Pool)
PRT		1973 Chev. wagon for park superintendent
Industrial Commission	1970 Pontiac Catalina	1973 Buick LeSabre
ABC Commission	(7) 1971 Ford 4ds w/ 44,500 miles average	(7) Olds Cutlass or Chevrolet Impala 4ds
Commission for the Blind		1973 Dodge Custom Sportman for transporta- tion of clients from areas throughout the State
Winthrop College		(2) 1973 4ds to replace vehicles with advanced mileage
Vocational Rehabilitation	1969 Ford station wagon	1973 Dodge passenger van
Bd. for Tech. & Comp. Educ.		(3) 1973 4ds (2) to be assigned to Center Dir's. (1) assigned to Assoc. Exec. Dir.

Agency

Exchange

Purchase

Employment Security Comm. 1967 Ford wagon

1973 Ford or Plymouth
wagon

VIII. Interim Action - Tideland Permits

In accord with established procedures the attached sheets of permits have been granted after review and recommendations by all State agencies involved.

Permits

EXHIBIT III
OCT. 10, 1972

Beaufort County

Gray, Richard L. - Construct a "T"-shaped pier with float in Beaufort River

Marshall, Richard C., III - Construct a wharf in the Beaufort River

Marshall, Robert B. - Construct a pier in Factory Creek

Charleston County

Berkeley Electric Cooperative, Inc. - Construct a 46KV aerial transmission line across Bohicket Creek

Butler, Florence R. and Thelning, J. C. - Modify an existing pier in Shem Creek

Carolina Yacht Club - Construct a pier in the Cooper River

Charleston County Public Works Department - Construct a boat ramp in Stono River

Charleston County Public Works Department - Perform maintenance excavation in Sandhurst Canal

Humble Oil & Refining Company - Construct protective pile clusters and dolphins in Cooper River

Johnson, W. E., III - Construct a floating dock in Adams Creek

Poulnot, Edwin H., III - Construct a dock house with an overhanging roof in Conch Creek

Sam's Restaurant - Construct floating docks in Folly River

Schad, O. L. - Approval of plans for an existing pier and float in Hamlin Creek

State Ports Authority - Construct a dock extension, transit shed, open storage area and to fill shoreward of the bulkhead line in Town Creek

State Ports Authority - Perform maintenance dredging in Cooper River

Colleton County

Breland, J. M. - Construct a wharf in the Edisto River

Georgetown County

Brown's Ferry Water Company - Construct an 8" cast iron water main across the Black River

Seaboard Coast Line Railroad Company - Install riprap in the vicinity of a proposed railroad spur in Gravelly Gully Creek

Permits

Richland - Lexington Counties

City of West Columbia, S. C. - Construct a 42" gravity sewage pipe across the Congaree River

Putnam

Board minutes (Meeting Oct. 10, 1972)

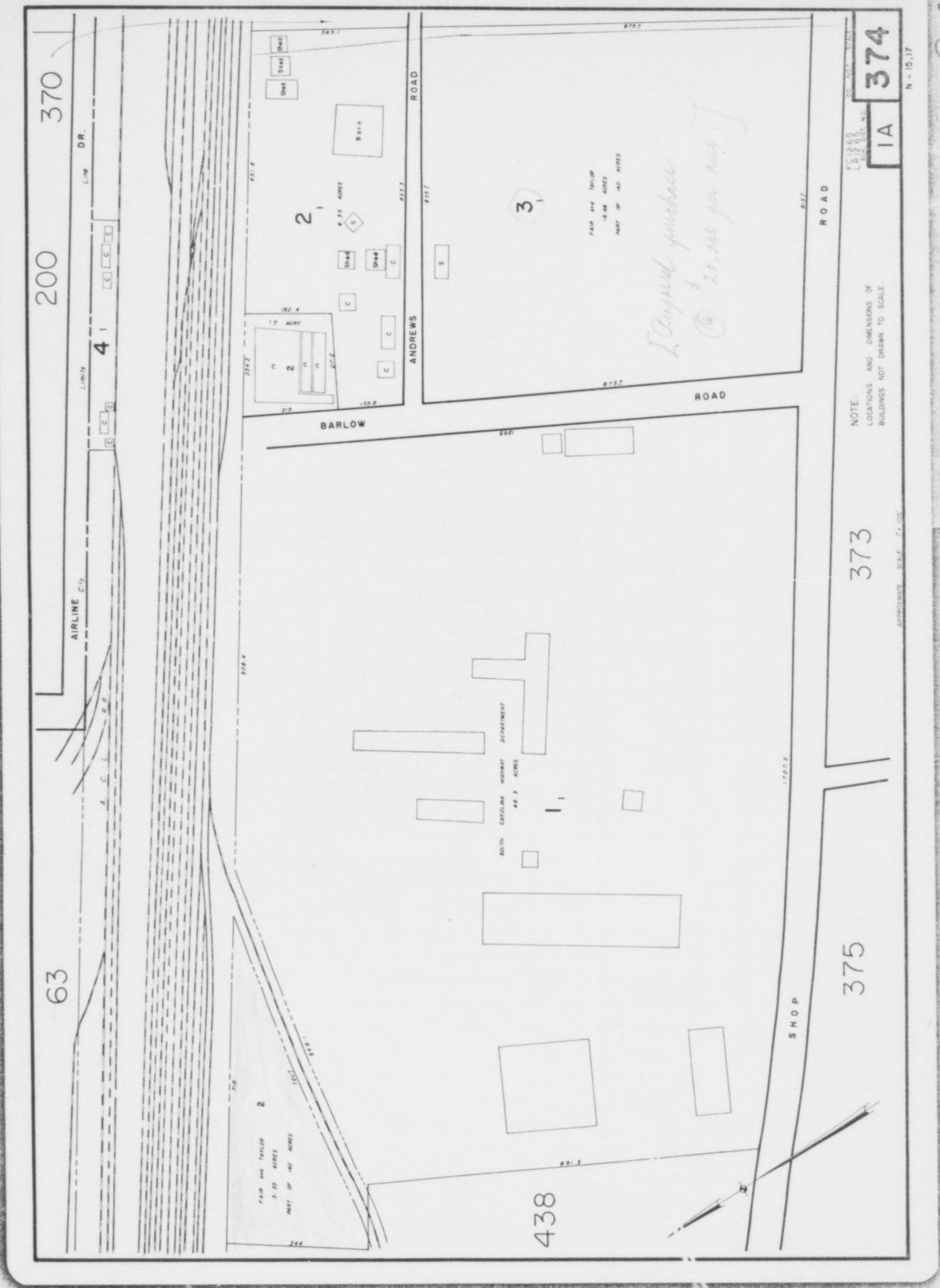
Re: General area of present

Highway Shop facilities - Loop Road.

Particularly, the 16.66 ac. adjoining
tract under consideration for purchase
by Highway Dept.

EXHIBIT IV
Oct. 10, 1972

EXHIBIT IV
OCT. 10, 1972



Plot
1/2-D165/369-\$10,000 (1970) x/405
1034
Fair et al to Columbia Steel Metal Center
\$10,000 for 3.2 Acres Jan. 3, 1970

1879A

October 10, 1972
Exhibit

STATE OF SOUTH CAROLINA)
)
S. C. STATE BUDGET AND CONTROL BOARD) RULE AND REGULATION

Promulgated under authority of Section 1-205 and Section 70-1,
1962 South Carolina Code of Laws.

WHEREAS, the State of South Carolina has title to the Submerged
Lands, (the area below the usual low water mark), the Tidelands, (the
area between the usual high water mark and the usual low water mark), and
the waters of the State; and

WHEREAS, the State of South Carolina has title to the beds of
the rivers, streams and lakes, (the area below the usual high water mark),
and the Waters of the State; and

WHEREAS, the State of South Carolina has title to the waters of
the tidelands, submerged lands, rivers, streams and lakes, the beds of which
have been acquired in fee or easement by the Federal government of the
United States; and

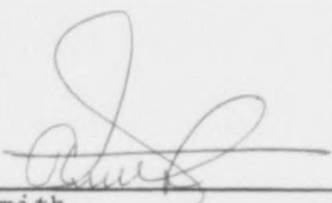
WHEREAS, the South Carolina State Budget and Control board has
determined that it is necessary in the interest of the State to require
a permit for any construction or excavation below the usual high water
mark of Waters of the State.

NOW, THEREFORE, IT IS ORDERED:

1. That a permit shall be required for any construction or
excavation below the usual high water mark of all navigable waters within the
State of South Carolina.

2. That the permit shall be issued by the Division of General
Services.

ATTEST:



Pat C. Smith
Secretary
S. C. State Budget and Control Board

Filed in the Office of the South Carolina Secretary of State this
____ day _____, 19 ____.

O. Frank Thornton
South Carolina Secretary of State

E N D

1981