

AGENDA MATERIALS
AND SUPPORTING DOCUMENTS
FOR THE MEETING OF
JULY 31, 1970

R W Wallace

7/31/70

3:30 PM

1969

- Oct 27 - Kachelman calls W in to see
- wants W to get 1-1-68
 - Why?
 - Work etc
 - had needed for industry
 - H asks W to see about Pat Benefits
 - H Will continue at 125 mo (See Sec 401)
 - W - Not available to H
 - H - Will, get out somehow
 - W considers this as being fixed.
 - W thinks reason needed for giving ~~benefits~~

Dec 1 Ltr to Kachelman

Request about leave due (week)

and the from ^{Dr} W M Price in condition

- also think had come in being contacted with claim

Nov 28 - to Dr W M Price (aka)

- totally & Per Disabled

Dec 5 Ltr from Kachelman

- Acknowledged 12/1 ltr

- Will advise when looked into - under of Dept, etc

Dec 13 Ltr to Kachelman

- Won't reply to ltr 12/1

(no reply)

Dec 18 - Ltr to W & H

- Payments all accrued sick leave, in acc with Med Dept.

Dec 22 - to Atty Gen

- How can get answers from W & H
- No way to compel reply

Dec 22 - Ltr from W & H

- Last payment to be for period ending Jan. 26, 1968

(Compensation continuing regularly through above period)

(Dec. 1 - Claim submitted to Sub. Comm.)

1968

Feb 14 - Call from Sub Comm re claim

- Had witnesses, etc
- Advised by Nelson to get atty (Laurie retained)

Mar 18 - Ltr to W & H

- Re bus fare credits for pay during sick leave time
- Refr for analysis of basis of pay (acc, sick leave) for period 10-27-67 thru 1/26/68

(no analysis assigned) 19

File does not show med. Dr's care during 67

- Reply to above

No record of pay during sick leave (no record of sick leave matter) (see ltr to Lindell 2/11/67)

1967

Oct. 4 7

—
—
—
—

Nov 28

—
—
—

May 20 - Ltr to W&H

- Re " ltr 3/19

1) - Report to ltr to L'halch 12/1/67

- Notice made in accord with Regs of Dept.

2) - Under div case, as shown by Brown's ltr
(copy) to L'halch 12/1/67

May 8 - Ltr - Linn to W&H

- Subsequent updated letter from Brown
as to W's condition

- (see info)

May 16 - Ltr - W&H to Linn

- Work terminated 10/27/67

- Dept on payroll to 1/26/68

May (?) - Awarded \$,145 by Civil Comm.

Oct 27, 1967 - Jan. 26, 1968

No interruption of pay in this period

63 Work days ~~63~~

Less 8 Holidays

55 Net Work days paid for

Claim 90 for sub leave

24 Terminal

114

- 55

59 days

you retained
pay due.

May 20 - Ltr to WH 14

- Re " Ltr 3/19

1) - Report to Ltr to L'Kaldh 12/1/67

- Notice made in accord with Regs of Dept.

2) - Under 2nd case, as shown by Prans letter (copy) to L'Kaldh 12/1/67

May 8 - Ltr - Ltr to WH 14

- Includes updated letter from Prans as to W's condition

- (see info)

May 16 - Ltr - WH to Ltr

- Work terminated 10/27/67

- kept on payroll to 1/26/68

May (?) - Awarded \$,125 by Encl Ltr.



Oct 27, 1967 - Jan. 26, 1968

No interruption of pay in this period

63 Work days ~~63~~
Less 8 Holidays
55 Net Work days paid for

Claim 90 for sub claim
24 Terminal

114
- 55 = 59 days you should pay diff.



State of South Carolina
Department of Agriculture

WADE HAMPTON OFFICE BUILDING
P. O. BOX 11280
COLUMBIA, S. C. 29211

WILLIAM L. HARELSON
COMMISSIONER

August 19, 1970

Mr. O. Wayne Corley, Legal Assistant
Office of the Governor
State House
Columbia, South Carolina 29201

Dear Wayne:

Reference is made to your letter of July 6, 1970 relative to a letter written by B. W. Walker and addressed to the Governor regarding a request for pay for sick leave.

As I recall the circumstances, Mr. Walker worked in the job until October 27, 1967, and did no further work after that time. Although not working, he was kept on the payroll until January 26, 1968. About this time or shortly thereafter Mr. Walker, through legal council as I understand it, filed a claim for compensation with the Industrial Commission for compensation from the State Workman's Compensation Fund. He received an award from the Commission in the sum of \$8,125.00. The Department was notified of this award April 29th, 1968.

May 8, 1968, the writer received a letter from the Honorable Isadore E. Lourie, Attorney, in which it was indicated Mr. Walker was due sick leave pay for 1967, and according to their calculations he was due approximately fifty (50) days. No explanation of how this figure was arrived at was given. I am not sure, but I have some recollection from a discussion with Mr. Walker that the claim was based on Department rules and regulations promulgated in 1958. Section 4 of these regulations provided that sick leave would accrue at the rate of one (1) day for each calendar month of employment completed, except that sick leave credit could not be accumulated in excess of ninety (90) working days. The same section relating to sick leave also provided that sick leave could only be claimed when an employee was incapacitated by illness or accidental injury; the intent being that sick leave was to be used only in case of actual illness which must be substantiated by a doctor's certificate, if such was deemed necessary.

297

August 19, 1970

This regulation was kept in effect for several years, but it soon became apparent the sick leave privilege was being abused to some extent, so the ninety (90) days was changed to thirty (30) days, except in the case of dreaded disease, which case the ninety (90) days continued.

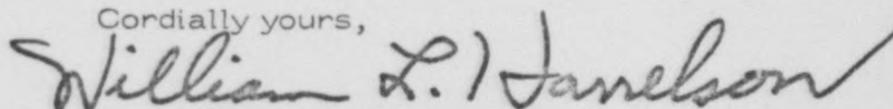
Department records reflect Mr. Walker used the following sick leave:

		<u>days allowed</u>
For the year	1958	7 days 12
"	1959	2 " 12
"	1960	0 " 12
"	1961	9 " 12
"	1962	11 " 12
"	1963	14 " 12
"	1964	10 " 12
"	1965	5 " 12
"	1966	14 " 12
"	1967	0 " 10

Based on this data, Department auditors advise that Mr. Walker was paid for thirteen (13) days in excess of the number he would have been entitled to had he actually been sick. Not only do the Department files reflect that Mr. Walker has been overpaid by thirteen (13) days, but it never was the intention, purpose, nor spirit of the regulation that an employee should receive compensation for sick leave unless actually sick and not able to work. The purpose of the regulation was to avoid having to drop a person from the payroll when sick and incapacitated.

I trust this is the information you desire. Should you desire further information in this connection, please advise. Mr. Walker's file is available should you wish to examine it.

Cordially yours,


Commissioner of Agriculture

H:s

cc: Hon. Daniel McLeod, Attorney General
Hon. P. C. Smith, State Auditor
Hon. Isadore Lourie, Attorney
Mr. B. W. Walker

SOUTH CAROLINA DEPARTMENT OF AGRICULTURE
W. L. HARRELSON, COMMISSIONER

Rules and Regulations
Effective Immediately

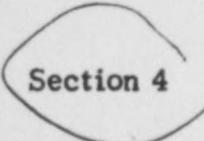
WORKING TIME

Section 1. The Department shall remain open from 9:00 A. M. until 5:00 P. M. from Monday through Friday, both inclusive, except on holidays fixed by law. On Saturdays the Department shall close at 1:00 P. M. Skeleton forces shall be maintained on Saturdays and so staggered that each employee shall work not less than one Saturday out of each month. Each full time employee of the Department shall be entitled to an annual vacation with pay as hereinafter provided.

Section 2 (a) All employees of the Department are required to work the minimum number of hours as stipulated in Section 1 hereof, less lunch period. Provided however, when the work of the Department is such that additional time is necessary or required for a proper dispatch of the work, the employees of the Department are expected to cooperate.

(b) Lunch Period - A period not exceeding one and one-half (1-1/2) hours shall be allowed for lunch, Monday through Friday, for all employees of the Department.

Section 3 Leaves - All absences of one-half (1/2) day or more from prescribed work hours shall be deemed a leave of absence and such leave of absence shall be governed by the regulations hereafter set forth and only such leaves as are provided for herein shall be granted.



Section 4 Sick Leave - (a) All employees of the Department shall be entitled to a sick leave with pay, as hereinafter provided.

(b) Sick leave credit will be allowed to accumulate at the rate of one day for each calendar month, of employment completed, beginning with the date of employment. Provided however, sick leave credit may not be accumulated in excess of ninety (90) working days.

(c) Sick leave may be claimed only when the employee is incapacitated by illness or accidental injury, or when the employee is quarantined because of contagious disease in his household. Sick leave may not be claimed or allowed for injury or illness, resulting from or on account of misconduct attributable to alcohol or narcotics.

(d) In every case of absence resulting from sickness or injury, the employee shall notify the head of his or her Division promptly stating the nature of the illness. In every case of absence where sick leave is claimed, the employee shall, within twenty-four (24) hours after return

to duty, give written notice to the head of the Division in which he or she is employed, of the number of days of sick leave claimed and the nature of the illness or accident causing such claim. Failure to comply with the provision of this paragraph may be deemed grounds for denial of sick leave with pay.

(e) Unwarranted claims for sick leave shall be deemed grounds for cancellation of all sick leave credits, and may constitute grounds for dismissal.

(f) An employee forfeits all sick leave credits upon termination of his or her employment except in cases of authorized leave of absence. In case of reinstatement of the employee, sick leave credits may not be revived unless specifically authorized by the Commissioner.

(g) In instances where the illness of an employee extends beyond his or her sick leave credits, annual leave credits must then be applied to the extent available. After exhaustion of all sick leave and annual leave credits, the employment of the employee shall terminate, except in such instances as the Commissioner shall grant a leave of absence without pay.

Annual Leave

- Section 5.** (a) All employees of the Department shall be entitled to annual leave with pay not to exceed twelve (12) working days during the twelve month months period ending June 30th.
- (b) Annual leave credits will be allowed to accumulate at the rate of one (1) day for each calendar month of employment completed on and after July 1, 1958.
- (c) Annual leave credits may be claimed only if approved in advance by the head of the Division in which the employee is employed.
- (d) Annual leave credit balance at June 30th may be claimed not later than October 15th next succeeding, but in no case may the annual leave credit at June 30th be added to and claimed in conjunction with credits for the new fiscal year commencing July 1st of the same year.
- (e) Employees will not be permitted to promiscuously coordinate annual leave with authorized holidays or other leave.
- (f) Employees who do not have annual leave to their credit will not be granted sick leave for vacation or other purposes for which annual leave is intended.

MISCELLANEOUS

Indebtedness

All employees of the Department are expected to pay their just obligations promptly as they become due. Failure to do so without reasonable cause or excuse will be deemed sufficient cause for requesting a letter of resignation.

Other Business

It is a recognized principal that too long working hours of employees impair their efficiency. Work in other fields is bound to interfere with and result in the neglect of the Department's work. Accordingly, any employee or employees now engaged in outside business are expected to devote their full time to the Department during the prescribed working hours. Failure to do so will be deemed sufficient grounds for requesting a letter of resignation.

July 23, 1958

Columbia, S.C. Dec, 1, 1967

Mr. M. R. Loadholt, Director,
State Warehouse Division,
Wade Hampton Building,
Columbia, S.C.

Dear Sir;

This is to inform you that I have put in a claim with the S.C. Industrial Commission based on the enclosed medical report.

In accordance with the rules and regulations covering sick leave for the Department, I am here by making application for all sick leave due before separation from the Department.

I will appreciate you letting me know how much leave I have and the final terminal date of my employment so that I can contact the Retirement Board and make the necessary application for S.C. State Employees retirement.

Very truly yours.

B. W. Walker.

1819 Senate St.
Columbia S.C.

MEDICAL SUMMARY

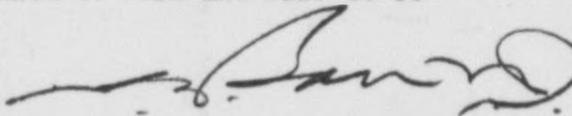
RE: Mr. B.W. Walker

The above patient has been treated by me since March 1966. His diagnosis was and is emphysema and pulmonary fibrosis and essential hypertension. During this time he has been treated for several bouts of bronchopneumonia and has required constant medication.

I advised the above patient that his condition was one in which the cause is unknown but that any dusty atmosphere such as in a cotton warehouse was certainly detrimental to his lung reserve if not the cause along with smoking.

His chest X-Ray confirms the above diagnosis as well as pulmonary function test (M.B.C. - 46.8 L/mi. - or 41% of predicted normal). His E.K.G. shows L.V.H. and ischemia.

The patient is disabled to work and will be so permanently.



William M. Barr, M.D.

WMB/la

November 28, 1967



SOUTH CAROLINA
DEPARTMENT OF AGRICULTURE

Post Office Box 12080
Columbia, South Carolina 29211

WILLIAM L. HARRELSON
Commissioner

December 5, 1967

Mr. B. W. Walker
1819 Senate Street
Columbia, South Carolina

Dear Mr. Walker:

Thank you for your letter of December 1st
with reference to certain information that
you desire.

As soon as this information is furnished
me, I will forward it on to you.

Sincerely,

M. R. Loadholt
M. R. Loadholt, Director
Warehouse Division *Loadholt*

L/j

304

Columbia, S.C. Dec. 13, 1967

Mr. M. R. Loacholt, Director,
S.C. State Warehouse System,
P.O. Box 12080,
Columbia, S.C.

Dear Sir;

I would appreciate a answer to my letter of Dec. 1, 1967
at your earliest possible convience, furnishing me with the neces-
sary information requested there in.

Very truly yours,

B. W. Walker.
Apt. 3, 1819 Senate St.
Columbia, S.C. 29202

Columbia, S.C. Dec, 18, 1967,

Mr. William L Harrelson, Commissioner,
S.C. Department of Agriculture,
P.O. Box 12080, Columbia, S.C.

Dear Sir;

Based on the Medical Report of Dr. Wm. N. Barr, dated Nov 28, 1967 copy of which was mailed in my letter of Dec. 1, 1967 to Mr. M. R. Loadholt, Director of the Warehouse Division, requesting all accumulated Sick Leave due me before final separation from the Department, and requested that he inform me when the final date of employment would be so that I could make the necessary arrangements with the S.C. Retirement System:

I will appreciate you giving me this information not later than December 21, 1967.

Thanking you for your prompt attention, I am,

Sincerely yours.

B. W. Walker,
1819 Senate St.,
Apt. 3,
Columbia, S.C. 29202



State of South Carolina

Department of Agriculture

WILLIAM L. HARRELSON, COMMISSIONER
WADE HAMPTON OFFICE BUILDING
P. O. BOX 12080
COLUMBIA, S. C. 29211

December 22, 1967

Mr. B. W. Walker
1819 Senate Street
Columbia, South Carolina 29201

Dear Wilson:

Your letter of December 18, ^{of employment} requesting the date of your termination with the department has been received. Re-
plying to this, this is to advise that the final date you will receive a check from the department will be for the pay period ending January 26, 1968.

If you will fill out the necessary application for retirement, we will be glad to complete and forward to the office for you.

It is hoped that you will have a Merry Christmas and a pleasant and enjoyable New Year.

Cordially yours,

William L. Harrelson
Commissioner of Agriculture

H:s

307

Columbia S.C. March 18, 1968

Mr. William L. Harrelson, Comm,
S.C. Dept. of Agriculture,
P.O. Box 12080,
Columbia, S.C.

Dear Sir;

As you know there are certain credits allowed on your Federal Income Tax for any Salary Paid which was covered by sick Leave.

I would appreciate your furnishing me as to how the Salary Paid me from Oct 27, 1967 the last day of any active service by me through Jan 26, 1968, which was the final pay period I was paid for. Showing how much of that period was charged to Annual Leave, Terminal Leave and Sick Leave due me under the Law on Leave and Terminal Leave and under the Rules and Regulations of the Department covering sick leave.

Thanking you for the above information, I am,

Very truly yours.

B.W. Walker.

Apt. 3, 1819 Senate St.
Columbia, S.C.



State of South Carolina

Department of Agriculture

WILLIAM L. HARRELSON, COMMISSIONER

WADE HAMPTON OFFICE BUILDING

P. O. BOX 12080

COLUMBIA, S. C. 29211

March 19, 1968

Mr. B. W. Walker
Apt. 3
1819 Senate Street
Columbia, South Carolina 29201

Dear Wilson:

In reply to your letter of March 18th regarding the period from October 27th, 1967, to January 26, 1968, please be advised that a check of your file does not disclose you ever turned in a report on sick leave for 1967, so therefore, I am unable to comply with your request.

As you know, sick leave, under our rules, was never intended to be used except when you were actually sick and under the care of a doctor. Your file does not disclose you were under the care of a doctor during the year 1967.

I trust this is the information you desire.

Yours truly,

William L. Harrelson
Commissioner of Agriculture

H:s

309

Columbia, S.C. March 20, 1968.

Mr. William L. Harrelson, Comm.
S.C. Dept. of Agriculture,
P.O. Box 12080,
Columbia, S.C.

Dear Sir;

Thank you for your prompt answer to my letter of March 18.
In reply I would like to call your attention to 2 items mentioned
by you in your letter.

No. 1 I notified Mr. Loadholt in accordance with your in-
structions on Dec. 1, 1967 of my physical condition which I quote as
follows.

"In accordance with the rules and regulations covering
sick leave for the Department, I am here by making application for
all sick leave due before separation from the Department" enclosing
a Medical Report from DR. Wm. Barr stating that I was permanently disabled
from work" I also made the same request to you in my letter of Dec.
18, 1967.

No. 2 I am and have been under the care of a Doctor and will
continue to be so as long as I live, under the Doctors orders I am taking
medication every day.

If there is any special report that you want me to turn in
I will be glad to do so.

I am not asking any favors from you, all I want is what I am
entitled to under your Regulations of July 23, 1958, which I worked under, and
all leave due me by the statute covering leave, I have heard you say on
numerous occasions that you wanted everybody to have all the leave that
was due them, all I am asking you to do is to live up to that statement.

Very truly yours,

B. W. Walker,
1819 Senate St.
Columbia, S.C. 29201.

310

May 8, 1968

The Honorable William L. Harrelson
Commissioner of Agriculture
Department of Agriculture
Post Office Box 12080
Columbia, South Carolina 29211

Re: Mr. B. W. Walker

Dear Commissioner Harrelson:

Mr. Walker was in to see me about his claim for sick leave pay for 1967. According to our calculations, he still has due him approximately fifty (50) days.

I have reviewed the correspondence between you and Mr. Walker on this matter and I am enclosing herein a report of February 28, 1968, from Dr. William M. Barr, which somewhat elaborates the medical summary previously submitted to you.

If you need any additional information concerning treatment in 1967, I would appreciate your letting me know.

Very truly yours,

ISADORE E. LOURIE

IEL:rs
Encl.

cc: Mr. B. W. Walker
1819 Senate Street, Apt. 3
Columbia, South Carolina

May 8, 1968

The Honorable William L. Harrelson
Commissioner of Agriculture
Department of Agriculture
Post Office Box 12080
Columbia, South Carolina 29211

Re: Mr. B. W. Walker

Dear Commissioner Harrelson:

Mr. Walker was in to see me about his claim for sick leave pay for 1967. According to our calculations, he still has due him approximately fifty (50) days.

I have reviewed the correspondence between you and Mr. Walker on this matter and I am enclosing herein a report of February 28, 1968, from Dr. William M. Barr, which somewhat elaborates the medical summary previously submitted to you.

If you need any additional information concerning treatment in 1967, I would appreciate your letting me know.

Very truly yours,

ISADORE E. LOURIE

IEL:rs
Encl.

cc: Mr. B. W. Walker
1819 Senate Street, Apt. 3
Columbia, South Carolina

310-a

WILLIAM M. BARR, M.D.
1410 BLANDING STREET
COLUMBIA, S. C.

GENERAL
PRACTICE

TELEPHONES:
OFFICE 252-7431
RES. 782-0053

February 28, 1968

Isadore E. Lourie Esquire
Messrs. Lourie and King
Attorneys at Law
607 Barringer Building
Columbia, South Carolina 29201

Re: Mr. B. W. Walker

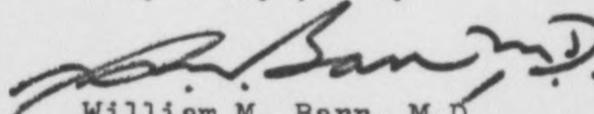
Dear Mr. Lourie:

This is to clarify my opinion as to the condition of Mr. Walker. I am still of the opinion that he is totally and permanently disable to work as set forth in my medical summary of November 28, 1967.

I am further of the opinion that this total disability is from the conditions of emphysema and pulmonary fibrosis; although he does have a diagnosis in addition to the above of essential hypertension, I do not believe that the hypertension is of any significance to his disability; nor does he have any congestive heart failure, or any serious difficulties attributable to his heart.

It is my belief that Mr. Walker's occupation was most probably the cause of his present conditions of emphysema and pulmonary fibrosis. He stopped smoking in August, 1966, at my instructions, as I thought undoubtedly the smoking was not good and probably bad for his conditions.

Very truly yours,


William M. Barr, M.D.

WMB/gh



State of South Carolina

Department of Agriculture

WILLIAM L. HARRELSON, COMMISSIONER

WADE HAMPTON OFFICE BUILDING

P. O. BOX 12080

COLUMBIA, S. C. 29211

May 16, 1968

The Honorable Isadore E. Lourie
Lourie and King, Attorneys at Law
Suite 607 Barringer Building
Columbia, South Carolina 29201

Dear Mr. Lourie:

Thank you for your letter of May 8th, 1968 regarding sick leave pay for Mr. B. W. Walker.

Mr. Walker's work with the Department of Agriculture was terminated on October 27th, 1967, and although he did no further work for the department, he was kept on the payroll until January 26th, 1968.

For your information, Mr. Walker was recently awarded the sum of \$8,125.00 by the South Carolina Industrial Commission. I trust this is the information you desire.

Yours truly,

William L. Harrelson
Commissioner of Agriculture

H:s

cc: Mr. B. W. Walker
1819 Senate Street, Apt. 3
Columbia, South Carolina 29201

312

E N D