CHAPTER 12

Interchange of Government Employees Between and Among Federal, State and Local Governments

**SECTION 8‑12‑10.** Definitions.

 For the purposes of this chapter:

 (a) “Sending agency” means any department or agency of the federal government or a state or local government which sends any employee thereof to another government agency under the provisions of this chapter.

 (b) “Receiving agency” means any department or agency of the federal government or a state or local government which receives an employee of another government under the provisions of this chapter.

 (c) “Agency or department” of federal, state or local government means any agency, department, board, commission, committee or institution of higher learning thereof.

HISTORY: 1978 Act No. 480 Section 2.

Attorney General’s Opinions

Law enforcement personnel, such as sheriff’s deputies, may be interchanged between counties in North Carolina and South Carolina, but statutes of both states do not contain provisions for law enforcement personnel of one state to enforce laws of another state. 1984 Op Atty Gen, No. 84‑70, p. 179.

**SECTION 8‑12‑20.** Interchange of governmental employees authorized; length of assignment; public officials; consent of employee.

 (a) Any department or agency of this State or any political subdivision thereof is hereby authorized to participate in a program of interchange of employees with departments and agencies of the federal government, or this or any other state or any of their political subdivisions as a sending or receiving agency, or both.

 (b) The period of individual assignment or detail under an interchange program shall not exceed two years; provided, however, the sending agency with the consent of the receiving agency may extend the period of assignment for not more than two additional years. Elected public officials of this State or any of its political subdivisions shall not be assigned from a sending agency nor detailed to a receiving agency.

 (c) No employee of this State or any of its political subdivisions shall be required to participate in an interchange program without his consent.

HISTORY: 1978 Act No. 480 Section 3.

CROSS REFERENCES

Authority for State and political subdivisions to enter into agreements with the United States Government, see Section 3‑7‑10.

Local or local and state officers and employees generally, see Sections 8‑15‑10 et seq.

State officers and employees generally, see Sections 8‑11‑20 et seq.

Attorney General’s Opinions

Law enforcement personnel, such as sheriff’s deputies, may be interchanged between counties in North Carolina and South Carolina, but statutes of both states do not contain provisions for law enforcement personnel of one state to enforce laws of another state. 1984 Op Atty Gen, No. 84‑70, p. 179.

**SECTION 8‑12‑30.** Status of employees of sending agencies.

 (a) Employees of a sending agency of this State or any political subdivision thereof participating in an exchange of personnel as authorized in Section 8‑12‑20 may be considered during such participation to be (1) on detail to regular work assignments of the sending agency, or (2) in a status of leave of absence from their positions in the sending agency.

 (b) Employees who are on detail shall be entitled to the same salary and benefits to which they would otherwise be entitled and shall remain employees of the sending agency for all other purposes except that the supervision of their duties during the period of detail may be governed by agreement between the sending agency and the receiving agency.

 (c) Employees who are in a leave of absence status as provided herein shall be carried on leave without pay; provided, that they shall be granted annual leave or other time off with pay to the extent authorized by law applicable to the sending agency. Except as otherwise provided in this chapter, employees who are in a leave of absence status shall have the same rights, benefits, and obligations as employees generally who are in such leave status and, notwithstanding any other provision of law, such employees shall be entitled to credit the period of such assignment toward any benefits provided them by law as employees of the sending agency.

 (d) Any employee of a sending agency of this State or any political subdivision thereof who participates in an exchange under the terms of this chapter who suffers disability or death as a result of personal injury arising out of and in the course of an exchange, or sustained in performance of duties in connection therewith, shall be treated, for the purposes of the sending agency’s employee compensation program, as an employee who has sustained such injury in the performance of his duties with the sending agency but any benefits so received as an employee of the sending agency shall be reduced to the extent he is entitled to and elects to receive similar benefits under the receiving agency’s employee compensation program.

HISTORY: 1978 Act No. 480 Section 4.

**SECTION 8‑12‑40.** Relation of interchanged employees with receiving agency.

 (a) When any agency or department of this State or any political subdivision acts as a receiving agency, employees of the sending agency who are assigned under authority of this chapter may (1) be given appointments in the receiving agency covering the periods of such assignments, with compensation to be paid from receiving agency funds or may be given appointments without compensation, or (2) may, with the agreement of the sending agency, be considered to be on detail to the receiving agency with their compensation to be paid by the sending agency.

 (b) Appointments of persons so assigned may be made without regard to the laws or regulations governing the selection of employees of the receiving agency.

 (c) Except for those benefits authorized by subsection (d) of this section, employees who are detailed to a receiving agency of this State or any political subdivision thereof shall not by virtue of such detail be considered to be employees of the receiving agency, nor shall they be paid a salary or wage by the receiving agency during the period of their detail. The supervision of the duties of such employees during the period of detail shall be determined by agreement between the sending agency and the receiving agency.

 (d) Any employee of a sending agency not of this State or any political subdivision thereof, which employee is assigned to a receiving agency in this State, who suffers disability or death as a result of personal injury arising out of and in the course of such assignment, or sustained in the performance of duties in connection therewith, shall be treated for the purpose of receiving agency’s employee compensation program as an employee who has sustained such injury in the performance of his duties with the receiving agency but any benefits so received as an employee of the receiving agency shall be reduced to the extent he is entitled to and elects to receive similar benefits as an employee under the sending agency’s employee compensation program.

HISTORY: 1978 Act No. 480 Section 5.

Attorney General’s Opinions

Law enforcement personnel, such as sheriff’s deputies, may be interchanged between counties in North Carolina and South Carolina, but statutes of both states do not contain provisions for law enforcement personnel of one state to enforce laws of another state. 1984 Op Atty Gen, No. 84‑70, p. 179.

**SECTION 8‑12‑50.** Payment of travel expenses by receiving agency.

 A receiving agency in this State may, in accordance with the applicable travel regulations of such agency, pay the travel expenses of persons assigned thereto under this chapter during the period of such assignments on the same basis as if they were regular employees of the receiving agency.

HISTORY: 1978 Act No. 480 Section 6.

Attorney General’s Opinions

Law enforcement personnel, such as sheriff’s deputies, may be interchanged between counties in North Carolina and South Carolina, but statutes of both states do not contain provisions for law enforcement personnel of one state to enforce laws of another state. 1984 Op Atty Gen, No. 84‑70, p. 179.

**SECTION 8‑12‑60.** Regulations.

 The Department of Administration, through its state personnel division, shall promulgate regulations and administer the provisions of this chapter and shall assist any agency or department of this State or any political subdivision thereof in participating in employee interchange programs authorized by this chapter.

HISTORY: 1978 Act No. 480 Section 7.

Code Commissioner’s Note

At the direction of the Code Commissioner, references in this section to the offices of the former State Budget and Control Board, Office of the Governor, or other agencies, were changed to reflect the transfer of them to the Department of Administration or other entities, pursuant to the directive of the South Carolina Restructuring Act, 2014 Act No. 121, Section 5(D)(1), effective July 1, 2015.

CROSS REFERENCES

State human resources regulations, see S.C. Code of Regulations R. 19‑700 et seq.

Attorney General’s Opinions

Law enforcement personnel, such as sheriff’s deputies, may be interchanged between counties in North Carolina and South Carolina, but statutes of both states do not contain provisions for law enforcement personnel of one state to enforce laws of another state. 1984 Op Atty Gen, No. 84‑70, p. 179.