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THE STATE OF SOUTH CAROLINA
OFFICE OF THE ATTORNEY GENERAL
COLUMBIA

OPINION NO. _____

April 21, 1992

SUBJECT: Public Officers and Employees - County
Assessor's Authority in Personnel Matters.

SYLLABUS: The Williamsburg County Assessor's authority
in personnel matters is the same as an
elected official's.

TO: Honorable J. Yancey McGill
Senator, District No.32

FROM: Ronald W. Urban *RWU*
Assistant Attorney General

QUESTION: Does the Williamsburg County Assessor have the
same authority in personnel matters as an elected official?

APPLICABLE LAW: S. C. Code Ann. § 4-9-30(7) (Supp. 1991);
Act No. 491, 1969 S. C. Acts 851.

DISCUSSION:

You have stated the Williamsburg County Assessor is
appointed by the Governor upon the recommendation of the
Legislative Delegation.¹ The question posed is whether
such assessor has the same authority concerning employees in
her office as an elected official.

Williamsburg County has a council-supervisor form of
government. Thus S. C. Code Ann. § 4-9-30(7) (Supp. 1991)
controls as to personnel matters. That section states the
county governing body shall have the power

¹In a prior opinion dated May 5, 1983 (copy appended)
it was noted Act 491, Acts of 1969, provided that the
Williamsburg County Assessor was to be appointed by the
Legislative Delegation upon recommendation of the Tax
Reassessment Board. That opinion continues to reflect the
position of this office until such time as the power to
appoint the assessor is changed by county council. In any
event, the fact the assessor is to be appointed by the
Legislative Delegation, rather than the Governor, will not
change the results of the present opinion.

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To develop personnel system policies and procedures for county employees by which all county employees are regulated except those elected directly by the people, and to be responsible for the employment and discharge of county personnel in those county departments in which the employment authority is vested in the county government. This employment and discharge authority does not extend to any personnel employed in departments or agencies under the direction of an elected official or an official appointed by an authority outside county government. . . .

Inasmuch as the assessor here is appointed by an authority outside county government, the foregoing language indicates her authority in personnel matters is the same as an elected official. The only exception to such would be where, by statute, an employee serves at the pleasure of an elected official. In those instances, the elected official may discharge the employee without a grievance hearing. Heath v. Aiken County, 295 S. C. 416, 368 S.E.2d 904 (1988).

CONCLUSION:

The Williamsburg County Assessor's authority in personnel matters is the same as an elected official's.

RWU:acw