

1984 WL 249863 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 23, 1984

*1 The Honorable Philip T. Bradley
Member
House of Representatives
312-D Blatt Building
Columbia, South Carolina 29211

Dear Representative Bradley:

Thank you for your letter of March 29, 1984 as to the recent opinion of our office concerning the question of whether the Superintendent of Greenville County Schools is entitled to a pay increase under Act 238, Acts and Joint Resolutions of South Carolina, 1983. See Ops. Atty. Gen. (March 16, 1984). Your letter includes copies of September 24, 1981 and December 10, 1982 contracts for the Superintendent. We have reviewed these contracts including those provisions to which you refer and have concluded that they do not alter the conclusions expressed in our previous opinion.

'A contract being construed is to be considered as a whole and the meaning gathered from the entire context, and not from particular words, phrases or clauses . . . ' 17 Am.Jur.2d Contracts § 258. Although, as you note, the 1981 contract refers to 'other professional staff members' and 'other salaried employees', the contract includes broad administrative powers for the Superintendent and states that he has all the statutory duties provided for the Superintendent. These provisions for his powers and duties indicate that the Superintendent is an officer. See Ops. Atty. Gan. (March 16, 1984). The above quoted references to employees appear to be insufficient to outweigh this conclusion.

Of course, as noted in our previous opinion, we have not undertaken an investigation of all the facts in this matter because doing so is not within the province of this office in writing opinions. Nevertheless the statutes, case law, and contracts which you have provided us indicate that the Superintendent is an officer and not entitled to the pay increase provided by Act 238.

If we may be of further assistance, please let us know.

Yours very truly,

J. Emory Smith, Jr.
Assistant Attorney General

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