

1983 WL 182041 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 31, 1983

*1 Purvis W. Collins

Director

South Carolina Retirement System

Sol Blatt Building

Second Floor

Columbia, South Carolina 29201

Dear Mr. Collins:

You have requested an opinion as to the creditability of the service of the person who served as the States' Regional Representative in Washington for the Coastal Plains Regional Commission. The Commission had as members the states of Georgia, North Carolina and South Carolina, and was established by those states pursuant to Title V of the Public Works and Economic Development Act of 1965, [42 U.S.C. § 3181 et seq.](#) The Commission was funded during the years in question by appropriations to the Planning and Grants Division of the Governor's Office as well as by appropriations from other states. The individual in question was hired by the Governor of South Carolina and was paid from the aforementioned funding sources.

Given the fact that the individual was hired by the Governor and paid with State-appropriated funds, there can be little doubt that he was an 'employee' of the State or an agency, institution or department thereof, as required by § 9-1-10(4), and hence should be permitted to established his service credit as provided for by § 9-1-440.

It should also be pointed out that Act No. 151 of 1983, Part II, Section 45, authorizes the establishment of service credit for previous employment with regional councils of government. While that section by its terms only authorizes the establishment of service credit by '[e]mployees under current employment by the State,' it constitutes a clear finding by the General Assembly that the prior employment constituted covered employment. The fact that the individual in this case is a Retirement System member employed by a governmental service organization as defined by § 9-1-10(4)(e) does not affect the status of his prior employment. Indeed, it would appear that in all likelihood the General Assembly meant to include all current members, because there would be no reason to discriminate among current Retirement System members in allowing this service credit.

Sincerely yours,

Kenneth P. Woodington

Senior Assistant Attorney General

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