

1981 WL 158131 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 5, 1981

*1 Honorable Alex Sanders
Marion Gressette Building
Columbia, South Carolina 29201

Dear Senator Sanders:

This will reply to your recent request for our opinion on a hypothetical situation which you have proposed regarding State law and policy on dual compensation for State employees. For your information and assistance, we are attaching copies of the regulations adopted by the State Budget and Control Board concerning compensation and dual employment.

As to the specific case you have described, it would appear that the employee could perform services for the one-year project provided that $\frac{3}{4}$ of his salary would be paid by the agency which employs him, and the remaining $\frac{1}{4}$ of his salary would be paid from the grant project funds received by his present employer. Personnel regulations do not prohibit a State employee's being employed by a private firm provided the State employer has approved such secondary employment.

Section 167 of the 1980 Appropriations Act (p. 2180, Acts and Joint Resolutions, 1980) provides:

That no employer of any state department or institution shall be paid any compensation from any other department of the state government except with the approval of the State Budget and Control Board. . . .

Because of this requirement, together with the fact that the agreement between the two State agencies as to the employee's services must be carefully drawn to assure compliance with the personnel regulations, we would advise that the proposal should be presented to the State Budget and Control Board for its approval by joint request of the two agencies concerned, specifically describing the exact contractual arrangements and amounts of compensation.

Please call us if you have further questions.

Sincerely,

Frank K. Sloan
Deputy Attorney General

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