

1983 WL 181943 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 18, 1983

\*1 Senator Norma C. Russell  
Member  
South Carolina Senate  
Suite 602  
Gressette Building  
Columbia, South Carolina 29202

Dear Senator Russell:

Thank you for your letter of June 7, 1983. This office advises that the Pallet Manufacturing Operations conducted by the South Carolina Vocational Rehabilitation Department in Sumter, South Carolina, appears to be authorized by and in compliance with both federal and state statutes. I have attached a letter from the Honorable Joe S. Dusenbury, Commissioner, South Carolina Vocational Rehabilitation Department dated July 7, 1983. Mr. Dusenbury advises that the Vocational Rehabilitation Center in Sumter is designed and structured to provide on-the-job training for handicapped citizens in a work place setting. The total production of pallets in the Center is minor in comparison to commercial pallet enterprises. Thus, it appears that any business competition which may result is restricted and merely incidental to the vocational training purposes of the programs.

[Title 29, Section 31\(a\) of the United States Code](#) authorizes the Federal Government to make grants to States 'for the purpose of assisting States in rehabilitating handicapped individuals so that they may prepare for and engage in gainful employment'. [Section 31\(b\)\(1\)](#) makes specific appropriations available to State 'to assist them in meeting the costs of vocational rehabilitation services.' A 'vocational rehabilitation service' is defined by Title 29 Section 41(a)(8) to include 'the establishment of public and other non-profit workshops'. A 'workshop' is a place where 'any manufacture or handiwork is carried on and which is operated for the primary purpose of providing gainful employment to the severely handicapped who cannot be readily absorbed in the competitive labor market.' See, Title 29 Section 41(c)(2)(d).

Furthermore, [Section 43-31-60\(6\) of the Code of Laws of South Carolina \(1976\)](#) allows the South Carolina Vocational Rehabilitation Department 'to take such action as may be necessary to enable the agency to apply for, accept and receive for the State and its residents the full benefits available under the Vocational Rehabilitation Act of Congress and any amendments thereto, and under any other federal legislation or program having as its purpose the providing of, improvement or extension of, vocational rehabilitation'.

It is thus apparent that the operations of the Vocational Rehabilitation Workshop in Sumter, South Carolina, as described in the enclosed letter from Commissioner Joe Dusenberry, are within the statutory limits prescribed by Congress and the South Carolina General Assembly.

If this office may offer further assistance, please call upon us.

Very truly yours,

Edwin E. Evans  
Senior Assistant Attorney General

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