

1981 WL 157950 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 2, 1981

*1 Honorable L. L. Henderson
Sheriff
Newberry County
Post Office Box 247
Newberry, South Carolina 29108

Dear Sheriff Henderson;

With apologies for the delay, I am enclosing copies of earlier opinions issued by this Office regarding whether or not a county council is authorized to set the working hours of county employees who are hired by elected officials and whether or not a county council is authorized to require all county employees to be regulated by a time clock. While those opinions conclude that a county council is so authorized, I have some question as to whether or not the conclusion applies to the employees of the sheriff in view of recent rulings from the South Carolina Supreme Court to the effect that general law provisions with respect to sheriffs, including their right to hire and fire, have not been superseded by the Municipal and County Employees Grievance Act [[§§ 8-17-110 et seq.](#), CODE OF LAWS OF SOUTH CAROLINA, 1976, as amended] nor, most probably, by the 'home rule' legislation [[§ 4-9-30\(7\)](#), CODE OF LAWS OF SOUTH CAROLINA, 1976, as amended], See, e.g., [Roton v. Sparks](#), 270 S.C. 637, 244 S.E.2d 214 (1978); [Rhodes v. Smith](#), 273 S.C. 13, 254 S.E.2d 49 (1979).

With kind regards,

Karen LeCraft Henderson
Senior Assistant Attorney General

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