

1982 WL 189366 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 14, 1982

*1 Gary R. Baker
Executive Director
South Carolina State Ethics Commission
Rembert Dennis Building
Suite 545
1000 Assembly Street
Columbia, South Carolina 29201

Dear Gary:

This will reply to your letter of July 13th requesting the opinion of this Office as to the eligibility of Dr. Leola Adams, a member of the State Ethics Commission, for per diem compensation.

Dr. Adams is a professor at South Carolina State College and is a State employee. However, under her nine month teaching contract she receives no compensation during the summer months. This summer she is working under a research program for which she is compensated on an hourly basis for time actually worked. During those days when she is absent from work on Commission business, she receives no compensation.

Section 138 of the FY ⁸²/₈₃ Appropriations Act provides:

That the per diem allowance of all boards, commissions and committees shall be at the rate of Thirty-five (\$35) Dollars per day. Provided, That no fulltime officer or employee of the State shall draw any per diem allowance for service on such boards, commissions or committees.

The obvious intent of this section is that no State employee receive 'dual compensation' by receiving per diem while at the same time being paid a salary by the State. It is the opinion of this Office that the words 'full-time' employee indicate the legislative intent that members of commissions may receive per diem during such period as they are not on the State payroll full-time. Accordingly, Dr. Adams would not be eligible to receive per diem during the nine month period that she is on contract as a full-time professor; but would be eligible to receive per diem during the three month summer period on days when performing her official duties as a member of the Commission, when she receives no other compensation from the State.

Please call me if you have any further questions.

Sincerely,

Frank K. Sloan
Deputy Attorney General

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