

1980 S.C. Op. Atty. Gen. 14 (S.C.A.G.), 1980 S.C. Op. Atty. Gen. No. 80-4, 1980 WL 81888

Office of the Attorney General

State of South Carolina

Opinion No. 80-4

January 15, 1980

*1 Mr. Clifford A. Moyer
Executive Director
Criminal Justice Academy
5400 Broad River Road
Columbia, South Carolina 29210

Dear Mr. Moyer:

Your letter of November 14, 1979, concerns a clause ‘. . . unless he has, within one year after his date of appointment, successfully completed . . .’ in [Section 23–33–40 of the South Carolina Code of Laws \(1976\)](#). The problem stated by you arises when an officer having been employed by Department A leaves this employment after eight months or so and goes to Department B. Does ‘date of appointment’ refer solely to Department B or should the employment be considered cumulatively?

I think that the construction given this clause by your staff is correct and that the employment should be considered cumulatively, subject, however, to not more than a reasonable period of time having elapsed between employments by different employers. An officer could not, for example, be employed with Department A for a period of four months and then after a lag of one or two years become employed in Department B for a period of eight months. These two terms of employment could not, in other words, be considered cumulatively. There must be, in my opinion, a fairly continuous period of employment for a year preceding the application.

If there is any question regarding this, please call me.

Very truly yours,

Daniel R. McLeod
Attorney General

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