

1980 WL 121022 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 31, 1980

***1 Re: Department of Social Services Personnel Policy 210.1**

The Honorable James M. Waddell, Jr.
P.O. Box 1026
Beaufort, South Carolina 29902

Dear Senator Waddell:

Thank you for your letter of July 3, 1980, concerning the authority of the Department of Social Services to promulgate a personnel policy which prohibits employment in the same office of persons within the second degree of kindship.¹ The previous opinion of this Office [enclosed] dated September 18, 1979, concludes that the Department possesses statutory authority to promulgate a personnel policy of this type. See also, §§ 43-1-70, 43-3-70 *Code of Laws of South Carolina*, 1976, as amended. These personnel requirements are binding upon the county departments. 1976-77 Op. Atty. Gen'l., No. 77-219, page 168. An employment prohibition based upon familial relationships is not in conflict with state statutes or with the policies of the Personnel Division of the Budget and Control Board.

You have additionally asked whether an employment of the 'step' relationship that falls within the second degree of kindship is prohibited by this regulation. Included by the express language of the proscription are relationships by affinity. A 'step' relationship is one of affinity and, thus, is among those relationships subject to employment prohibition. See, *Blacks Law Dictionary*, 1584 (rev. 4th Ed., 1968).

Please call upon me if I can offer any assistance.
Very truly yours,

Edwin E. Evans
Assistant Attorney General

Footnotes

¹ A copy of this personnel policy is enclosed.

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