

1977 S.C. Op. Atty. Gen. 26 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-18, 1977 WL 24361

Office of the Attorney General

State of South Carolina

Opinion No. 77-18

January 17, 1977

*1 Honorable Norma C. Russell

Member

House of Representatives

The State Capitol

Columbia, South Carolina

Dear Ms. Russell:

You have telephonically requested an opinion from this Office as to whether the Clerk of the South Carolina House of Representatives can be granted a \$3,100.00 pay increase for the fiscal year 1976–1977, said pay increase being retroactive to July 1, 1976, in light of Article 3, Section 30, of the South Carolina Constitution.

Article 3, Section 30, of the South Carolina Constitution provides in pertinent part as follows:

The General Assembly shall never grant extra compensation, fee or allowance to any public officer, agent, servant or contractor, after service rendered . . .'

This constitutional provision would prohibit the subject pay increase retroactive to July 1, 1976.

You have further requested an opinion as to whether employees of the South Carolina General Assembly are State employees. I believe that this question is adequately covered in Opinion No. 3857, issued September 11, 1974, to the effect that employees of the House of Representatives must work a minimum of 37 ½ hours per week to be considered full time State employees eligible to participate in the State Health and Insurance Program, and the State Retirement System. A copy of this opinion is attached hereto for your information.

I also enclose copy of Opinion No. 3329, issued by Attorney General McLeod, under date of June 12, 1972, concerning office hours for State employees and annual leave provisions for State employees.

I hope that the foregoing opinions are responsive to your recent telephone request to this Office. However, please do not hesitate to contact me if additional supplementation is desired.

Yours very truly,

Victor S. Evans

Deputy Attorney General

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