

1976 S.C. Op. Atty. Gen. 164 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 4339, 1976 WL 22958

Office of the Attorney General

State of South Carolina

Opinion No. 4339

April 26, 1976

*1 G. P. Callison, Esquire
County Attorney
Post Office Box 1115
Greenwood, SC 29646

Dear G. P.:

Thank you for your letter of April 12, 1976, concerning the employment of the mother of Mayor Frederick of the Town of Ware Shoals in the Public Service Employment program. Under the applicable federal regulations, a person may not be hired in the program if a member of his or her immediate family is employed in an 'administrative capacity' for the body which acts as employer (in this case, the Town of Ware Shoals). It appears that the controlling regulation is 29 C.F.R. Section 98.22(b)(3), which defines 'administrative capacity' as including:

'All elected and appointed officials who have any responsibility for the obtaining of and/or approval of any grant funded under the Act as well as other officials who have any influence or control over the administration of the program, such as the project director, deputy director and unit chiefs; and persons who have selection, hiring, placement of supervisory responsibilities for public service employment participants.'

Although the mayor of Ware Shoals does not have the power to hire town employees, he would certainly appear to have some responsibility for the obtaining of the grant, or some influence over the administration of the program. It is thus my opinion that the hiring of the mayor's mother for a federally-funded position in the town contravenes the regulation quoted above.

With best wishes,
Yours very truly,

Daniel R. McLeod
Attorney General

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