

1976 WL 30446 (S.C.A.G.)
Office of the Attorney General
State of South Carolina
April 30, 1976

*1 Mr. H. E. Corley
Superintendent
School District No. 2 of Richland County
6831 Brookfield Road
Columbia, SC 29206

Dear Mr. Corley:

You inquired of this Office whether District 2 is required by law to authorize deductions for union dues when so requested by a certain labor organization which represents teachers.

A decision bearing on dues deductions was recently decided by the United States Fourth Circuit Court of Appeals, of which this State is a part. The case involved the validity of the refusal of the City of Charlotte to deduct union dues at the request of a labor union (fire-fighters).

The Court held that because the City had a practice of allowing deductions from wages for various purposes, such as insurance, income tax, charities and other beneficiaries, and because it had no standards for approving or disapproving deductions, it could not refuse to make deductions for labor unions on request.

The Appeals Court noted that a North Carolina statute prohibits contracts between governmental agencies or units and labor unions as bargaining agents for public employees. However, the Court stated that the referenced statute did not justify denying the union's request for withholding, since the City had no written standards and had actually allowed deductions for other purposes.

The Court further noted that the city has 'wide discretion' and may adopt 'reasonable, objective standards for determining which requests for withholding will be granted and which denied.'

The above referenced case is now on appeal to the United States Supreme Court. At least for the present, however, the Appeals Court decision is controlling, and has obvious implications with respect to the question you raised.

Yours very truly,

Edward E. Poliakoff
Assistant Attorney General

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