

May 2, 2007

Mark Schrade, Fire Chief  
St. Andrews P.S.D. Fire Department  
1775 Ashley River Road  
Charleston, South Carolina 29407

Dear Chief Schrade:

In a recent letter to Attorney General Henry McMaster, you described a situation in which “an individual hired full-time by the St. Andrews Fire Department subsequently obtained full-time employment as a firefighter within another jurisdiction in the State of South Carolina.” Because the individual currently is working for two fire departments, you request an opinion as to “whether or not this is a legal situation within the State of South Carolina.”

In our review of State law, we did not uncover a provision preventing a firefighter from serving more than one department. In fact, the statutes regulating firefighters, found in chapter 80 of title 40 of the South Carolina Code (Supp. 2006), contemplate firefighters serving more than one department. These statutes require, among other things, that firefighters register with the Office of the State Fire Marshal and undergo a criminal background check. S.C. Code Ann. § 40-80-30. Furthermore, section 40-80-40(C) of the South Carolina Code states: “A firefighter who works for or serves more than one fire department must be registered by each department.” Thus, according to this statute, the Legislature, in addressing the regulation of firefighters, accounted for firefighters’ employment with more than one department.

Although we do not believe any provision of South Carolina law prohibits a firefighter from serving more than one department, individual fire departments may have policies restricting firefighters from such activity. Thus, we recommend the firefighter described in your letter check

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with the policies of both the St. Andrews P.S.D. Fire Department and fire department to which he recently became employed to ensure he is not in violation of either department's policies.

Very truly yours,

Henry McMaster  
Attorney General

By: Cydney M. Milling  
Assistant Attorney General

REVIEWED AND APPROVED BY:

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Robert D. Cook  
Assistant Deputy Attorney General