

The State of South Carolina



Office of the Attorney General

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February 13, 1992

The Honorable Glenn G. Reese
Senator, District No. 11
P. O. Box 142
510 Gressette Building
Columbia, South Carolina 29202

Dear Senator Reese:

In a letter to this Office you questioned whether a county is required to pay a part-time magistrate for a minimum of ten hours a week. Pursuant to Section 22-8-10(3) of the Code a part-time magistrate is defined as a magistrate who regularly works less than forty hours a week performing official duties.

A prior opinion of this Office dated February 16, 1989 dealt with the question of whether a county is limited to establishing 10-hour work weeks for part-time magistrates or may it establish work weeks of any length up to forty hours. The opinion concluded that counties are not limited to establishing 10-hour work weeks for part-time magistrates and that part-time magistrates may work any period as long as it is less than forty hours a week. The opinion noted that pursuant to Section 22-8-40(D) a part-time magistrate is entitled to a proportionate percentage of the salary provided full-time magistrates with the percentage being computed by dividing by forty the number of hours the part-time magistrate performs his duties. Therefore, a county is not required to pay a part-time magistrate for a minimum ten hours a week but instead only for those hours worked which, of course, may not exceed thirty-nine hours in a week.

The Honorable Glenn G. Reese
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With kind regards, I am

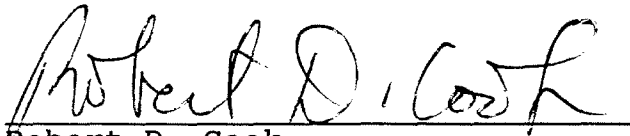
Very truly yours,



Charles H. Richardson
Assistant Attorney General

CHR/an

REVIEWED AND APPROVED BY:



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