

1981 WL 158231 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 9, 1981

*1 William S. Hall, M.D.
State Commissioner of Mental Health
S.C. Department of Mental Health
2414 Bull Street
Columbia, South Carolina 29202

Dear Dr. Hall:

You have requested an opinion as to whether consultants employed by state agencies under [§ 9-1-1600, 1976 Code](#) of Laws, may continue in their employment after age 72. The section in question provides that any teacher or employee may be temporarily employed by any agency in a consultative capacity as long as such employment does not exceed four months in any one year. However, § 9-1-1530 provides in part that ‘any employee or teacher in service who has attained the age of seventy [or seventy-two] years shall be retired forthwith . . .’ [Section 9-1-1600](#) frequently refers to the consultants' status as ‘employment.’ In line with the general principle that statutes will be read together to achieve a harmonious, rather than a conflicting, result, it is the opinion of this Office that [§ 9-1-1600](#) was intended to apply only to those employees who have retired but have not yet reached the age of 72.

I regret that this opinion cannot be more favorable to the Department, but I understand that this section has been consistently interpreted this way by the Retirement System and that the Department has for some years successfully been able to retain persons over 72 through special treatment in the Appropriations Act.

Sincerely yours,

Kenneth P. Woodington
Assistant Attorney General

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