

1981 WL 157884 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 27, 1981

*1 J. William Taylor
Town Administrator
The Town of Cheraw
Post Office Box 111
Cheraw, South Carolina 29520

Dear Mr. Taylor:

You have requested an opinion concerning the State's mandatory retirement and how it relates to local municipalities. [Section 9-1-1530 of the 1976 Code](#) of Laws, provides for the mandatory retirement at ages 70 to 72 of 'any employee.' Section 9-1-10 defines 'employee' to include 'any agent or officer of any county, municipality or school district . . .'. The terms 'agent or officer' have long been interpreted by the Retirement System and by counties, municipalities and school districts to include employees thereof. Thus, [§ 9-1-1530](#) applies to town employees, requiring them to retire at the ages set forth therein. It should also be noted that while the term 'employee' is defined by [§ 9-1-10](#), [§ 9-1-1530](#) by its terms applies to any employee whether or not a member of the South Carolina Retirement System.

Sincerely yours,

Kenneth P. Woodington
Assistant Attorney General

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